

SENATE BILL 133

I3, R7

9lr1004
CF 9lr0491

By: **Senators Forehand and Miller**

Introduced and read first time: January 19, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Changes to the Automotive Warranty Enforcement Act**

3 FOR the purpose of establishing the Task Force to Study Changes to the Automotive
4 Warranty Enforcement Act; providing for the membership of the Task Force;
5 providing for the appointment of the chair of the Task Force; providing for the
6 staffing of the Task Force; providing that a member of the Task Force may not
7 receive compensation but is entitled to a certain reimbursement; requiring the
8 Task Force to study and make recommendations regarding certain topics;
9 requiring the Task Force to make a certain report to the Governor and General
10 Assembly on or before a certain date; providing for the termination of this Act;
11 and generally relating to motor vehicles and motor vehicle warranty
12 enforcement.

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That:

15 (a) There is a Task Force to Study Changes to the Automotive Warranty
16 Enforcement Act.

17 (b) The Task Force consists of the following members:

18 (1) two members of the Senate of Maryland, appointed by the
19 President of the Senate;

20 (2) two members of the House of Delegates, appointed by the Speaker
21 of the House;

22 (3) the Attorney General, or the Attorney General's designee; and

23 (4) the following members appointed by the Governor:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) one representative of the Alliance of Automobile
2 Manufacturers;

3 (ii) one representative of the New Car and Truck Dealers
4 Association; and

5 (iii) four representatives of the general public.

6 (c) To the extent practicable, the members appointed to the Task Force shall
7 reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the
8 State.

9 (d) The President of the Senate and the Speaker of the House shall jointly
10 designate the chair of the Task Force.

11 (e) The Office of the Attorney General shall provide staff for the Task Force.

12 (f) A member of the Task Force:

13 (1) may not receive compensation as a member of the Task Force; but

14 (2) is entitled to reimbursement for expenses under the Standard
15 State Travel Regulations, as provided in the State budget.

16 (g) The Task Force shall study and make recommendations on the following:

17 (1) the appropriate amount for a refund of motor vehicles with defects
18 that cannot be cured;

19 (2) any need to clarify current law on what is considered a repair
20 attempt under the Automotive Warranty Enforcement Act;

21 (3) what the burden of proof of a plaintiff should be in a civil action
22 under the Automotive Warranty Enforcement Act;

23 (4) whether a court should be required to award costs and reasonable
24 attorney's fees to a prevailing plaintiff under the Automotive Warranty Enforcement
25 Act;

26 (5) any additional disclosures that a manufacturer, factory branch, or
27 dealer should be required to make to a consumer seeking repair of a motor vehicle
28 defect;

29 (6) whether the provisions of the Automotive Warranty Enforcement
30 Act should be expanded to include used motor vehicles or commercial vehicles;

31 (7) whether the manufacturer's warranty period should be extended
32 beyond 15 months based on the time a motor vehicle is under repair;

1 (8) the Motor Vehicle Administration's method of indicating in its
2 titling records that a vehicle has been returned to a manufacturer or factory branch
3 under the Automotive Warranty Enforcement Act and what information the Motor
4 Vehicle Administration maintains or should maintain concerning those vehicles;

5 (9) whether a dealer that previously sold or attempted to repair a
6 motor vehicle returned to a manufacturer under the Automotive Warranty
7 Enforcement Act should be prohibited from reacquiring the motor vehicle through any
8 means; and

9 (10) whether a State-run arbitration program should be created to
10 resolve disputes under the Automotive Warranty Enforcement Act.

11 (h) On or before December 1, 2009, the Task Force shall report its findings
12 and recommendations to the Governor and, in accordance with § 2-1246 of the State
13 Government Article, the General Assembly.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2009. It shall remain effective for a period of 1 year and, at the end of May 31,
16 2010, with no further action required by the General Assembly, this Act shall be
17 abrogated and of no further force and effect.