

# SENATE BILL 859

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9lr2829  
CF HB 547

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By: **Senator Pugh**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Advertising Practices - Prohibited Acts**

3 FOR the purpose of prohibiting a vehicle dealer or an agent or employee of a dealer  
4 from stating the purchase price of a vehicle in an advertisement unless the  
5 purchase price is printed in the largest font in the advertisement, the  
6 advertisement identifies certain attributes of the vehicle, and the vehicle is  
7 currently available for sale at the price stated in the advertisement; requiring  
8 the price stated in an advertisement to be the full delivered purchase price of  
9 the vehicle, excluding certain taxes and fees, and including certain charges;  
10 requiring an advertisement that states specific purchase prices for a list of  
11 vehicles to state the purchase price in the appropriate column or space for each  
12 vehicle listed; and generally relating to the advertising practices of vehicle  
13 dealers.

14 BY repealing and reenacting, with amendments,  
15 Article - Transportation  
16 Section 15-313  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2008 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Transportation**

22 15-313.

23 (a) A dealer or an agent or employee of a dealer may not use any  
24 advertisement that is in any way false, deceptive, or misleading.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A dealer or an agent or employee of a dealer may not by any means  
2 advertise or offer to the public any vehicle without intent to sell it as advertised or  
3 offered.

4 (c) Any advertisement that is subject to and complies with the rules and  
5 regulations of and statutes administered by the Federal Trade Commission is not  
6 false, deceptive, or misleading under this section.

7 (d) **(1) A DEALER OR AN AGENT OR EMPLOYEE OF A DEALER MAY NOT**  
8 **STATE THE PURCHASE PRICE OF A VEHICLE IN AN ADVERTISEMENT UNLESS:**

9 **(I) THE PURCHASE PRICE IS PRINTED IN THE LARGEST**  
10 **FONT USED IN THE ADVERTISEMENT;**

11 **(II) THE ADVERTISEMENT CLEARLY IDENTIFIES THE**  
12 **VEHICLE, INCLUDING MAKE, YEAR, MODEL, AND SPECIAL EQUIPMENT; AND**

13 **(III) THE VEHICLE IS CURRENTLY AVAILABLE FOR SALE AT**  
14 **THE ADVERTISED PURCHASE PRICE.**

15 **(2) THE PRICE STATED IN AN ADVERTISEMENT SHALL:**

16 **(I) BE THE FULL DELIVERED PURCHASE PRICE OF THE**  
17 **VEHICLE, EXCLUDING TAXES AND TITLE FEES; AND**

18 **(II) IN THE CASE OF A NEW VEHICLE, INCLUDE ANY DEALER**  
19 **PROCESSING CHARGE AND FREIGHT CHARGE, UNLESS THE DEALER CLEARLY**  
20 **AND CONSPICUOUSLY DISCLOSES THE AMOUNT OF THESE CHARGES IN THE**  
21 **ADVERTISEMENT AS REQUIRED BY § 15-311.1 OF THIS SUBTITLE.**

22 **(3) IF AN ADVERTISEMENT STATES SPECIFIC PURCHASE PRICES**  
23 **FOR A LIST OF VEHICLES, THE PURCHASE PRICE SHALL BE STATED IN THE**  
24 **APPROPRIATE COLUMN OR SPACE FOR EACH VEHICLE LISTED.**

25 **(E) (1) A dealer or an agent or employee of a dealer may not place on a**  
26 **vehicle an insignia, logo, or other plate that advertises the name of the dealer, unless:**

27 **(i) The contract of sale for the vehicle contains a notice of the**  
28 **rights of the buyer described in this subsection; and**

29 **(ii) The buyer of the vehicle consents to the placement of the**  
30 **insignia, logo, or other plate on the vehicle.**

31 **(2) A dealer or an agent or employee of a dealer may enter into an**  
32 **agreement with a buyer of a vehicle to compensate the buyer in exchange for the**

1 buyer's consent to the placement on the vehicle of an insignia, logo, or other plate that  
2 advertises the name of the dealer.

3 (3) If a dealer or an agent or employee of a dealer places an insignia,  
4 logo, or other plate that advertises the name of the dealer without obtaining a buyer's  
5 consent, the dealer shall, at the request of the buyer, remove the advertising and make  
6 all repairs necessary to restore the vehicle to its original appearance at no charge to  
7 the buyer.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2009.