

CHAPTER 323

(House Bill 547)

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

FOR the purpose of prohibiting a vehicle dealer or an agent or employee of a dealer from stating the purchase price of a vehicle in an advertisement unless ~~the purchase price is printed in the largest font in the advertisement, the advertisement identifies certain attributes of the vehicle, and the vehicle is currently available for sale at the price stated in the advertisement; requiring the price stated in an advertisement to be~~ the price is the full delivered purchase price of the vehicle, excluding certain taxes and fees, and including certain charges; requiring an advertisement that states specific purchase prices for a list of vehicles to state the purchase price in the appropriate column or space for each vehicle listed taxes, fees, and charges; requiring the full delivered purchase price in a vehicle advertisement to be printed using a certain font type; repealing a provision of law that provides that an advertisement that is subject to and complies with certain provisions of federal law is not false, deceptive, or misleading under certain provisions of law; and generally relating to the advertising practices of vehicle dealers.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–313
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Transportation

15–313.

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

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

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

~~(d) (1) A DEALER OR AN AGENT OR EMPLOYEE OF A DEALER MAY DEALER:~~

~~(1) MAY NOT STATE THE PURCHASE PRICE OF A VEHICLE IN AN ADVERTISEMENT UNLESS:~~

~~(i) THE PURCHASE PRICE IS PRINTED IN THE LARGEST FONT USED IN THE ADVERTISEMENT;~~

~~(ii) THE ADVERTISEMENT CLEARLY IDENTIFIES THE VEHICLE, INCLUDING MAKE, YEAR, MODEL, AND SPECIAL EQUIPMENT; AND~~

~~(iii) THE VEHICLE IS CURRENTLY AVAILABLE FOR SALE AT THE ADVERTISED PURCHASE PRICE.~~

~~(2) THE PRICE STATED IN AN ADVERTISEMENT SHALL:~~

~~(i) BE THE PRICE IS THE FULL DELIVERED PURCHASE PRICE OF THE VEHICLE, EXCLUDING TAXES AND TITLE FEES; AND ONLY TAXES, TITLE FEES, AND ANY FREIGHT OR DEALER PROCESSING CHARGE DISCLOSED IN ACCORDANCE WITH § 15-311.1 OF THIS SUBTITLE; AND~~

~~(2) SHALL PRINT THE FULL DELIVERED PURCHASE PRICE IN A VEHICLE ADVERTISEMENT IN THE LARGEST FONT USED IN THE ADVERTISEMENT TO PROVIDE ANY INFORMATION RELATED TO THE PRICE OF THE VEHICLE.~~

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

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

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

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

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

(2) A dealer or an agent or employee of a dealer may enter into an agreement with a buyer of a vehicle to compensate the buyer in exchange for the buyer's consent to the placement on the vehicle of an insignia, logo, or other plate that advertises the name of the dealer.

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

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

Approved by the Governor, May 7, 2009.