

CHAPTER 512

(Senate Bill 133)

AN ACT concerning

~~Task Force to Study Changes to the Automotive Warranty Enforcement Act~~

Consumer Protection – Automotive Warranty Enforcement Act – Warranty Period

FOR the purpose of ~~establishing the Task Force to Study Changes to the Automotive Warranty Enforcement Act; providing for the membership of the Task Force; providing for the appointment of the chair of the Task Force; providing for the staffing of the Task Force; providing that a member of the Task Force may not receive compensation but is entitled to a certain reimbursement; requiring the Task Force to study and make recommendations regarding certain topics; requiring the Task Force to make a certain report to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; altering the definition of “manufacturer’s warranty period” for purposes of the Automotive Warranty Enforcement Act to extend the warranty period; and generally relating to motor vehicles and motor vehicle warranty enforcement.~~

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 14–1501(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 14–1501(e)

Annotated Code of Maryland

(2005 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 – Commercial Law

14–1501.

(a) In this subtitle the following words have the meanings indicated.

(e) (1) “Manufacturer’s warranty period” means the earlier of:

(i) The period of the motor vehicle's first [15,000] 18,000 miles of operation; or

(ii) [15] 24 months following the date of original delivery of the motor vehicle to the consumer.

(2) This subsection does not extend any manufacturer's express warranty.

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

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

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

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

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

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

~~(i) one representative of the Alliance of Automobile Manufacturers;~~

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

~~(iii) four representatives of the general public.~~

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

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

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

~~(f) A member of the Task Force:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 19, 2009.