

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 580
Economic Matters

(Delegate Kramer, *et al.*)

Consumer Protection - Sales of Tires - Limitations and Required Notice

This bill prohibits a merchant from selling a tire to a consumer in the State as a new tire if the tire (1) is a retreaded, previously used, or recycled tire or (2) was manufactured more than three years before the date of the sale to the consumer. The bill requires any merchant who sells a tire (that meets the aforementioned characteristics) to a consumer in the State to provide the consumer with a specified notice and disclosure.

A merchant who violates any of the bill's provisions is subject to a fine of \$250 for each violation. The failure of a merchant to comply with the bill's provisions (1) may not be considered evidence of negligence or contributory negligence and (2) is inadmissible in a civil action for damages involving personal injury. The bill's provisions may not be construed to affect or modify a tire manufacturer's tire warranty.

Fiscal Summary

State Effect: The bill's imposition of penalty provisions does not have a material impact on State operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: For the purposes of the bill, "consumer" and "merchant" have the same definitions as in the Maryland Consumer Protection Act. The bill defines "tire" as a tire for use on a motor vehicle that is registerable in the State as a Class A (passenger) vehicle, Class D (motorcycle) vehicle, or Class M (multipurpose) vehicle.

A merchant who sells a tire described above to a consumer in the State must provide the consumer with (1) before installing the tire, a notice that states, in plain language and in at least 10-point boldface type, the month and year in which the tire was manufactured and (2) a written disclosure, in at least 10-point boldface type, that contains the following statement:

NOTICE: This Tire Is Not New.

Tires deteriorate with age, even if they have never or seldom been used. As tires age, they are prone to sudden and catastrophic failure. This also applies to spare tires and tires that are stored for future use. Many automobile manufacturers recommend that tires be replaced after six years, regardless of the remaining tread depth. For your safety and the safety of others, inspect your tires regularly and maintain the proper inflation.

Current Law: There is no current requirement that merchants provide consumers with specified information related to the age of tires.

Under the Maryland Vehicle Law, a person is prohibited from selling, offering for sale, or having in his possession with intent to sell, any motor vehicle tire or motorcycle tire that has had its tread regrooved without that fact being plainly shown by a marking or label on the shoulder sidewall of the tire.

The Maryland Vehicle Law also prohibits a retailer from selling or offering for sale, to a consumer, an unsafe tire for use on a highway that does not meet or exceed specified requirements. A tire is considered unsafe if it:

- has tread wear indicators and the tire is worn to the point that the tread wear indicators are flush with the tread at any place on the tire;
- does not have tread wear indicators and the tire is worn so that less than 2/32 of an inch (1/32 for motorcycle) tread remains when measured in any groove at three locations spaced approximately equally around the outside of the tire;
- has a worn spot that exposes the cord through the tread;
- has tread cuts, snags, or sidewall cracks in any direct which are deep enough to expose body cords;
- has visible bumps, bulges, or knots indicating partial failure or separation of the tire structure;
- has unrepaired fabric breaks or the sidewall has damaged body cords;
- has been regrooved or recut except as otherwise authorized; or
- is marked for farm use only, off-highway use only, or for racing only.

A law enforcement officer, at any time, may stop a highway-use vehicle and inspect its tires for compliance with Maryland Department of Transportation regulations.

Background: According to the National Highway and Traffic Safety Administration (NHTSA), there are general guidelines for the length of time before a vehicle owner should replace the vehicle's tires. Some vehicle manufacturers recommend that tires be replaced every 6 years, whereas some tire manufacturers advise 10 years is the *maximum* service length. NHTSA also states that, while most tire failures only result in property damage, about 400 fatalities a year can be attributed to tire failures.

Additional Information

Prior Introductions: HB 1110 of 2013 was referred to interim study by the House Economic Matters Committee.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Office of the Attorney General (Consumer Protection Division), National Highway and Traffic Safety Administration, Department of Legislative Services

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