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## **COMMENTS on H.B. 1395**

### **Who We Are:**

The North American Equipment Dealers Association (NAEDA) represents 16 member locations in Maryland. They are part of the approximately 3,500 farm, forestry, industrial, and outdoor power equipment dealers that make up NAEDA throughout North America.

Through the sale of equipment, parts, and services, our dealer members partner with farmers and ranchers across the state to make them among the world's most productive and competitive producers.

### **Request for Clarity and Standardization:**

NAEDA finds that H.B. 1395 is comparable to other States' warranty enforcement laws commonly referred to as "Lemon Laws."

NAEDA requests that two changes be considered for amendments to the bill as introduced to provide clarity and align it with similar statutes in other states.

1. In § 14–15A–03(F)(2)(I-II) the bill currently has conflicting clauses. (I) provides consumers "...6 MONTHS AFTER THE EARLIER OF 600 HOURS OF 28 OPERATION OR THE EXPIRATION OF THE EXPRESSLY WRITTEN WARRANTY TERM..." While (II) provides consumers 24 months.

NAEDA requests that the 6 months language be stricken and allow the 24 months language remain as the only clause under § 14–5A–03(F)(2).

2. § 14–15A–05(B) provides up to a \$10,000 award in damages to consumers. This award is unlike other statutes. For example, Virginia<sup>i</sup> law allows a civil suit to enforce the lemon law, but it does not allow additional awards, and New York<sup>ii</sup> allows reasonable attorney fees.

NAEDA requests that the additional award for damages language be stricken because it is overly punitive.

### **Conclusion:**

On behalf of Maryland equipment dealers, thank you for your consideration of our COMMENTS and requested amendments to H.B. 1395.

Kipp McGuire  
Director of Government Affairs  
North American Equipment Dealers Association

## Endnotes:

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<sup>i</sup> Va. Code Ann. § 59.1-207.8, <https://law.lis.virginia.gov/vacode/title59.1/chapter17.2/section59.1-207.8/>

<sup>ii</sup> N.Y. Gen. Bus. Law § 697-A, <https://www.nysenate.gov/legislation/laws/GBS/697-A>