

# SENATE BILL 735

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By: **Senator Rosapepe**

Introduced and read first time: February 10, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Lifetime Warranties on Consumer Goods**

3 FOR the purpose of providing that a manufacturer of a consumer good is liable to a  
4 consumer for the fulfillment of a lifetime warranty by the manufacturer on the  
5 consumer good if the merchant who sold the consumer good alters the warranty  
6 in a certain manner, the merchant ceases doing business in the State, and the  
7 manufacturer continues to do business in the State; providing that a violation of  
8 this Act is an unfair or deceptive trade practice under the Maryland Consumer  
9 Protection Act and is subject to certain enforcement and penalty provisions;  
10 defining certain terms; and generally relating to lifetime warranties.

11 BY adding to

12 Article – Commercial Law

13 Section 14–1322

14 Annotated Code of Maryland

15 (2005 Replacement Volume and 2009 Supplement)

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

18 **Article – Commercial Law**

19 **14–1322.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
21 MEANINGS INDICATED.

22 (2) “CONSUMER” HAS THE MEANING STATED IN § 13–101 OF THIS  
23 ARTICLE.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) “CONSUMER GOODS” HAS THE MEANING STATED IN § 13-101**  
2 **OF THIS ARTICLE.**

3           **(4) “LIFETIME WARRANTY” MEANS A WRITTEN STATEMENT THAT**  
4 **A MANUFACTURER OR MERCHANT INCLUDES WITH THE SALE OF A CONSUMER**  
5 **GOOD THAT GUARANTEES TO REPLACE OR REPAIR A DEFECTIVE CONSUMER**  
6 **GOOD WITHOUT A TIME LIMIT PLACED ON THE GUARANTEE.**

7           **(5) “MANUFACTURER” MEANS A PERSON WHO MANUFACTURES A**  
8 **CONSUMER GOOD.**

9           **(6) “MERCHANT” HAS THE MEANING STATED IN § 13-101 OF THIS**  
10 **ARTICLE.**

11           **(B) A MANUFACTURER IS LIABLE TO A CONSUMER FOR THE**  
12 **FULFILLMENT OF A LIFETIME WARRANTY BY THE MANUFACTURER ON A**  
13 **CONSUMER GOOD SOLD TO THE CONSUMER BY A MERCHANT IF:**

14           **(1) THE MERCHANT ALTERED THE LIFETIME WARRANTY BY**  
15 **INCLUDING A WRITTEN STATEMENT WITH THE SALE OF THE CONSUMER GOOD**  
16 **PROMISING THAT IF THE MANUFACTURER DOES NOT HONOR THE LIFETIME**  
17 **WARRANTY, THE MERCHANT WILL HONOR THE LIFETIME WARRANTY;**

18           **(2) THE MERCHANT CEASES TO DO BUSINESS IN THE STATE; AND**

19           **(3) THE MANUFACTURER CONTINUES TO DO BUSINESS IN THE**  
20 **STATE.**

21           **(C) A VIOLATION OF THIS SECTION IS:**

22           **(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE**  
23 **MEANING OF TITLE 13 OF THIS ARTICLE; AND**

24           **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**  
25 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2010.