

SENATE BILL 2318

By McNally

AN ACT to amend Tennessee Code Annotated, Title 24
and Title 47, relative to warranties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding
SECTIONS 2 through 5 as a new, appropriately designated part:

SECTION 2. As used in this part:

(1) "HVAC system" means any device, equipment, or system that controls the
ambient environment in terms of temperature, humidity, air flow, heating, ventilation, or
air conditioning; and

(2) "Person" means any individual, corporation, partnership, unincorporated
association, or other legal entity.

SECTION 3.

(a) Any person making an express warranty with respect to a HVAC system
shall set forth the warranty in language that:

(1) Identifies the person making the express warranty; and

(2) Conforms to the federal standards for disclosure of warranty terms
and conditions set forth in the federal Magnuson-Moss Warranty-Federal Trade
Commission Improvement Act, compiled in 15 U.S.C. § 2301 et seq.

(b) If the person provides a warranty or product registration card or form, or an
electronic online warranty or product registration form, to be completed and returned by
the consumer, the card or form shall contain statements, each displayed in a clear and
conspicuous manner that informs the consumer:

(1) That the card or form is for product registration purposes only; and

(2) That failure to complete and return the card or form does not diminish the consumer's warranty rights.

(c) No warranty or product registration card or form, or an electronic online warranty or product registration form, may be labeled as a warranty registration or a warranty confirmation.

SECTION 4.

(a) The requirements imposed by this part on the distribution of any warranty or product registration card or form, or an electronic online warranty or product registration form, shall become effective on July 1, 2014.

(b) This part does not apply to any warranty or product registration card or form printed prior to July 1, 2014, and shipped or included with a product that was placed in the stream of commerce prior to July 1, 2014.

SECTION 5. A violation of this part constitutes an unfair or deceptive act or practice under § 47-18-104(a). A civil action for violation of this part may be brought under § 47-18-109.

SECTION 6. Tennessee Code Annotated, Section 47-18-109(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A person may bring an action individually to recover actual damages pursuant to this section if the person suffers an ascertainable loss of money or property, real, personal, or mixed, or any other article, commodity, or thing of value wherever situated, as a result of the use or employment by another person of an unfair or deceptive act or practice that is declared to be unlawful by this part and is described in § 47-18-104(b) or SECTION 5 of this act.

SECTION 7. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to all sales of HVAC systems occurring on or after the effective date of this act.