

HOUSE BILL 1110

I3

3lr0649

By: **Delegates Kramer, Arora, Barkley, Bobo, Dumais, Frick, Luedtke,
Pendergrass, and Wood**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Sales of Tires – Limitations and Required Notice**

3 FOR the purpose of prohibiting a merchant from selling a tire to a consumer in the
4 State as a new tire if the tire is a retreaded, previously used, or recycled tire or
5 was manufactured more than a certain number of years before the date of sale;
6 requiring a merchant who sells a certain tire to a consumer to provide a certain
7 notice and certain disclosure to the consumer relating to tire age and safety;
8 providing for the construction of this Act; providing that the failure of a
9 merchant to comply with the requirements of this Act may not be considered
10 evidence of negligence or contributory negligence and is inadmissible in a
11 certain civil action; establishing a certain penalty for a violation of this Act;
12 defining certain terms; and generally relating to sales of tires and notices
13 relating to tire age and safety.

14 BY adding to

15 Article – Commercial Law

16 Section 14–1324

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2012 Supplement)

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

21 **Article – Commercial Law**

22 **14–1324.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
24 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (3) “MERCHANT” HAS THE MEANING STATED IN § 13–101 OF THIS
4 ARTICLE.

5 (4) “TIRE” MEANS A TIRE FOR USE ON A MOTOR VEHICLE THAT IS
6 REGISTRABLE IN THE STATE AS A CLASS A (PASSENGER) VEHICLE, CLASS D
7 (MOTORCYCLE) VEHICLE, OR CLASS M (MULTIPURPOSE) VEHICLE.

8 (B) A MERCHANT MAY NOT SELL A TIRE TO A CONSUMER IN THE STATE
9 AS A NEW TIRE IF THE TIRE:

10 (1) IS A RETREADED, PREVIOUSLY USED, OR RECYCLED TIRE; OR

11 (2) WAS MANUFACTURED MORE THAN 3 YEARS BEFORE THE
12 DATE OF SALE TO THE CONSUMER.

13 (C) A MERCHANT WHO SELLS A TIRE DESCRIBED IN SUBSECTION (B) OF
14 THIS SECTION TO A CONSUMER IN THE STATE SHALL PROVIDE TO THE
15 CONSUMER:

16 (1) BEFORE INSTALLING THE TIRE, A NOTICE THAT STATES, IN
17 PLAIN LANGUAGE AND IN AT LEAST 10 POINT BOLDFACE TYPE, THE MONTH AND
18 YEAR IN WHICH THE TIRE WAS MANUFACTURED; AND

19 (2) A WRITTEN DISCLOSURE, IN AT LEAST 10 POINT BOLDFACE
20 TYPE, THAT CONTAINS THE FOLLOWING STATEMENT:

21 **“NOTICE: THIS TIRE IS NOT NEW.**

22 **TIRES DETERIORATE WITH AGE, EVEN IF THEY HAVE NEVER OR SELDOM**
23 **BEEN USED. AS TIRES AGE, THEY ARE PRONE TO SUDDEN AND CATASTROPHIC**
24 **FAILURE. THIS ALSO APPLIES TO SPARE TIRES AND TIRES THAT ARE STORED**
25 **FOR FUTURE USE. MANY AUTOMOBILE MANUFACTURERS RECOMMEND THAT**
26 **TIRES BE REPLACED AFTER 6 YEARS, REGARDLESS OF THE REMAINING TREAD**
27 **DEPTH. FOR YOUR SAFETY AND THE SAFETY OF OTHERS, INSPECT YOUR TIRES**
28 **REGULARLY AND MAINTAIN THE PROPER INFLATION.”.**

29 (D) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT OR MODIFY A
30 TIRE MANUFACTURER’S TIRE WARRANTY.

1 **(E) THE FAILURE OF A MERCHANT TO COMPLY WITH THE**
2 **REQUIREMENTS OF THIS SECTION:**

3 **(1) MAY NOT BE CONSIDERED EVIDENCE OF NEGLIGENCE OR**
4 **CONTRIBUTORY NEGLIGENCE; AND**

5 **(2) IS INADMISSIBLE IN A CIVIL ACTION FOR DAMAGES**
6 **INVOLVING PERSONAL INJURY.**

7 **(F) A MERCHANT WHO VIOLATES ANY PROVISION OF THIS SECTION IS**
8 **SUBJECT TO A FINE OF \$250 FOR EACH VIOLATION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2013.