

2023 -- H 5560

LC001731

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
CONSUMER ENFORCEMENT OF ASSISTIVE TECHNOLOGY DEVICE WARRANTIES

Introduced By: Representatives Kennedy, Azzinaro, Edwards, Kazarian, Corvese, Serpa,
and Diaz

Date Introduced: February 15, 2023

Referred To: House Innovation, Internet, & Technology

(By request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-45-4 of the General Laws in Chapter 6-45 entitled "Consumer
2 Enforcement of Assistive Technology Device Warranties" is hereby amended to read as follows:

3 **6-45-4. Reasonable number of attempts to repair.**

4 (a) A "reasonable number of attempts to repair" an assistive technology device with a
5 nonconformity means the occurrence of one or both of the following:

6 (1) The same nonconformity that is first reported during Term A is subject to repair two

7 (2) or more times during Term B; or

8 (2) The device is out-of-service for an aggregate of thirty (30) or more calendar days during
9 Term A because of one or more nonconformities.

10 (b) For purposes of counting the days for which a device is out-of-service because of one
11 or more nonconformities, an out-of-service period shall begin with and include the day that is the
12 later of:

13 (1) The day the nonconformity first appears; or

14 (2) The business day prior to the day on which the consumer first reports the nonconformity
15 to the manufacturer of the device or its authorized dealer.

16 (c) For purposes of counting the days for which a device is out-of-service because of one
17 or more nonconformities, an out-of-service period shall end with and include the day on which the
18 device is returned after repair, and is then free of nonconformities, to the possession of the

1 consumer, unless this return is made by 10:00 a.m. of that day in which case the out-of-service
2 period shall end with and include the previous day.

3 (d) In the event an out-of-service period has commenced during Term A, then for purposes
4 of subsection (a)(2), Term A shall continue until the end of this out-of-service period.

5 (e) The manufacturer/vendor shall keep written records of all repair attempts made,
6 including:

7 (1) The date a repair was requested;

8 (2) The type of repair requested;

9 (3) The date the repair attempt began;

10 (4) The length of time required for the repair attempt;

11 (5) The results of the repair attempt; and

12 (6) The total number of repair attempts made.

13 SECTION 2. Chapter 6-45 of the General Laws entitled "Consumer Enforcement of
14 Assistive Technology Device Warranties" is hereby amended by adding thereto the following
15 section:

16 **6-45-8. Information about assistive technology warranties act to be provided at time**
17 **of sale.**

18 At the time of purchase or lease, the manufacturer must provide directly to the consumer a
19 statement, written in not less than fourteen (14) point all capital bolded type on a separate piece of
20 paper or in such other form as the consumer can understand, the following form:

21 "(1) If the device is still defective after two (2) attempts to repair the same problem within
22 two (2) years, or out of service for thirty (30) days for any combination of problems within the first
23 year from the date of first delivery, you may be entitled to a replacement or refund of the purchase
24 price under chapter 45 of title 6. To be entitled to a refund or a replacement, you must first notify
25 the device manufacturer or vendor of the problem and give the vendor or manufacturer an
26 opportunity to repair the device in accordance with § 6-45-5(b)(1).

27 (2) If your device is out-of-service for more than seven (7) days, or not having a device
28 would be a threat to your safety, the manufacturer/vendor must provide you with a loaner device.

29 (3) For more information about this law, you can contact the governor's commission on
30 disabilities."

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would enhance the rights of consumers under the current law by adding the
2 requirement that the vendor or manufacturer maintain records of any reported defects or repairs of
3 a device, making it easier for a consumer to enforce their rights under the law. This act would
4 further increase awareness of the law by requiring that notice of the law must be provided at the
5 time of purchase of sale for each device.

6 This act would take effect upon passage.

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