

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 729
Economic Matters

(Delegate Kramer, *et al.*)

Consumer Protection - Tire Age - Required Notice

This bill requires a tire manufacturer or distributor to affix a specified label on any tire manufactured for sale in the State. The bill also requires any merchant that sells a tire to a consumer in the State to provide the consumer with specified information and prohibits the merchant from removing the manufacturer or distributor's label unless the consumer requests the merchant to do so. Any person who violates any of the bill's provisions is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500.

Fiscal Summary

State Effect: The bill's imposition of penalty provisions does not have a material impact on State operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: For the purposes of the bill, "consumer" and "merchant" have the same definitions as in the Maryland Consumer Protection Act. The bill defines "tire" as a tire for use on a motor vehicle that is registrable in the State as a Class A (passenger) vehicle, Class D (motorcycle) vehicle, or Class M (multipurpose) vehicle.

The label affixed by the manufacturer or distributor must display, in plain language, the month and year in which the tire was manufactured and the following statement: "Tires deteriorate with age, even if they have never or seldom been used. As tires age they are

more prone to sudden and catastrophic failure that can cause a vehicle to crash. This applies also to the spare tire and tires that are stored for future use. Heat caused by hot climates or frequent high loading conditions can accelerate the aging process. The National Highway and Transportation Safety Administration recommends that tires be replaced after six years, regardless of the remaining tread depth.”

Any merchant that sells a tire to a consumer in the State must also provide a receipt or invoice with the month and year in which the tire was manufactured and a written disclosure setting forth the above statement. If the tire is more than one year old, the merchant must require the consumer to sign the written disclosure, provide the consumer with a copy of the signed written disclosure, and retain the original signed written disclosure for at least three years.

Current Law: There is no current requirement that manufacturers, distributors, or merchants attach a label or provide consumers with specified information related to the age of tires.

Background: According to the National Highway and Transportation Safety Administration (NHTSA), there are general guidelines for the length of time before a vehicle owner should replace the vehicle’s tires. Some vehicle manufacturers recommend that tires be replaced every 6 years, whereas some tire manufacturers advise 10 years is the *maximum* service length. NHTSA also states that, while most tire failures only result in property damage, about 400 fatalities a year can be attributed to tire failures.

Additional Information

Prior Introductions: None.

Cross File: SB 940 (Senator Dyson) - Finance.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, National Highway and Transportation Safety Administration, Department of Legislative Services

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