

State Laws and Policies: Assistive Technology Warranty Acts

In the early days of the “Tech Act” (the Technology Related Assistance for Individuals with Disabilities Act, precursor to the Assistive Technology Act), many states engaged in “systems change” efforts including the passage of rules and regulations addressing consumer protections from defective assistive technology products with persistent or recurring problems also known as “lemons”. Historically, the lemon laws grew out of concerns with disreputable mail-order companies that were selling poorly built scooters without any warranty. These laws were developed to provide a remedy for consumers affected by these products.

Some of the rules cover all or most AT, and some only cover specific devices (especially wheeled mobility). Implanted devices as well as eyeglasses and dental prosthetics are usually excluded. The number of instances (e.g. four) and/or number of days (e.g. 30) a device is out of service during a specified time period for the same problem before the law is invoked may vary. Some states have a minimum threshold of device cost (e.g. devices must cost \$300, \$500 or more) to be covered. Remedies under the statute may also vary.

The degree to which these rules have actually been used to afford consumer protection is unknown, and should be viewed in the context of more general laws that protect individuals from faulty products. States should check in with their Attorney General, Protection and Advocacy, Office of Consumer Advocate, Division of Consumer Affairs or similar office to learn more about how the law has been used.

This information includes live links to supporting documents and statutes, and is best used in an electronic, rather than print, format. *NOTE: AT3 cannot guarantee the accessibility of external websites or documents listed in this resource.*

ARKANSAS

- Covered: Motorized or manual wheelchair; scooter; van lift
- Statute: [Arkansas Code TITLE 4](#)

ARIZONA (1998)

- Covered: All devices except hearing aids
- Description: [Laws Relating to Assistive Technology](#)
- Consumer advocacy guide: [Arizona Center for Disability Law](#)
- Statute: [Arizona Assistive Device Warranties](#)

CALIFORNIA (1996)

- Covered: All devices
- Statute: [Consumer Warranties](#)

CONNECTICUT (1997)

- Covered: All devices
- Description: [Connecticut AT Lemon Law](#)
- Statute: [Public Act Summary 97-100](#)

COLORADO (1997)

- Covered: Wheelchairs
- Description: [Colorado AT Lemon Law](#)
- Statute: [Public Act Concerning AT](#)

DELAWARE

- Covered: All devices
- Statute: [TITLE 6](#)

DISTRICT OF COLUMBIA (2010)

- Covered: All devices
- Statute: [AT Device Warranty](#)

FLORIDA (1999)

- Covered: All devices
- Statute: [1999 Florida Statute Regarding AT](#)

GEORGIA (1993)

- Covered: Originally only motorized wheelchairs, now all devices
- Description: [Georgia Wheelchair Warranty Act of 1993](#)
- Statute: [TITLE 10 Chapter 1 Article 32](#)

HAWAII

- Covered: All devices
- Statute: [Hawaii Revised Statutes](#)

IDAHO (1997)

- Covered: All devices
- Statute: [Idaho AT Warranty Act](#)

ILLINOIS (1994)

- Covered: All devices except hearing aids

- Statute: [Illinois AT Warranty Act](#)

INDIANA (1999)

- Covered: All devices
- Description: [Indiana AT Device Warranties](#)
- Statute: (unable to locate)

IOWA (1998)

- Covered: All devices except hearing aids
- Description: [Iowa Assistive Device Lemon Law](#)
- Statute: [Iowa CODE-2018](#)

KANSAS (1996)

- Covered: All devices
- Statute: [Kansas Statute Regarding Assistive Devices](#)

KENTUCKY (1998)

- Covered: All devices
- Statute: [Kentucky AT Lemon Law](#)

LOUISIANA (1993)

- Covered: All devices
- Statute: [Louisiana Law TITLE 52 Chapter 46](#)

MAINE (1997)

- Covered: All devices except hearing aids
- Description: [Maine AT Lemon Law](#)
- Statute: [Laws Regarding AT Devices](#)

MARYLAND (1994)

- Covered: Motorized wheelchairs
- Statute: [Commercial Law](#)

MASSACHUSETTS

- Covered: "Customized" wheelchairs
- Statute: [TITLE XV Chapter 93 Section 107](#)

MICHIGAN (1994)

- Covered: Wheelchairs
- Statute: [Act 54 of 1994](#)

MINNESOTA

- Covered: All devices
- Statute: [Minnesota Statutes 2013](#)

MISSOURI (1995)

- Covered: All devices
- Description: [Lemon Law Consumer Guide](#)
- Statute: [Missouri Law 407.950](#)

MONTANA

- Covered: Manual or motorized wheelchairs
- Statute: [Montana CODE 30-14-1202](#)

NEBRASKA (1997)

- Covered: All devices
- Description: [Nebraska AT and the Lemon Law](#)
- Statute: [Nebraska Revised Statute 69-2602](#)

NEVADA (1997)

- Covered: All devices
- Statute: [TITLE 52 see NRS 597.264-2667](#)

NEW JERSEY

- Covered: Motorized wheelchairs and scooters
- Description: [Motorized Wheelchair Lemon Law](#)
- Statute: [New Jersey Statute Section 56-12-75](#)

NEW MEXICO

- Covered: All devices
- Statute: [New Mexico Assistive Device Lemon Law](#)

NEW YORK (1996)

- Covered: Wheelchairs
- Description: [Wheelchair Lemon Law](#)
- Statute: [Article 32 Section 670*2](#)

NORTH DAKOTA (1998)

- Covered: All devices except hearing aids
- Description: [North Dakota AT Lemon Law](#)
- Statute: [Chapter 51-24](#)

OHIO (1996)

- Covered: All devices
- Description: [Ohio AT Lemon Law](#)
- Statute: [Ohio Statute 1345.91](#)

OKLAHOMA (1996)

- Covered: All devices
- Statute: [Oklahoma Defective Assistive Device Act](#)

PENNSYLVANIA (1994)

- Covered: Motorized wheelchairs
- Description: [Wheelchair Warranty Act](#)
- Statute: [Motorized Wheelchair Act of 1994](#)

PUERTO RICO (2000)

- Covered: All devices
- Statute: [Guarantee Law of Assistive Equipment \(Spanish\)](#)

RHODE ISLAND (1995)

- Covered: All devices
- Statute: [TITLE 6 Commercial Law](#)

SOUTH CAROLINA (1998)

- Covered: All devices except hearing aids
- Description: [South Carolina AT Lemon Law](#)
- Statute: [TITLE 39 Chapter 54 Section 39-54-10](#)

SOUTH DAKOTA

- Covered: All devices
- Statute: [TITLE 37 Chapter 31](#)

UTAH (1997)

- Covered: All devices
- Statute: [UT AT Warranty Act](#)

VERMONT (1999)

- Covered: All devices
- Statute: [TITLE 9: Commerce and Trade](#)

VIRGINIA (1998)

- Covered: All devices
- Statute: [Virginia AT Device Warranties Act](#)

WASHINGTON (1995)

- Covered: Wheelchairs
- Statute: [TITLE 19 Chapter 19.184.010](#)

WEST VIRGINIA

- Covered: All devices
- Statute: [West Virginia Consumer Credit and Protection Act](#)

WISCONSIN (1992)

- Covered: Motorized wheelchair
- Description: [Motorized Wheelchair Lemon Law](#)
- Statute: [134.87](#)

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