



Kentucky Assistive Technology Service (KATS) Network 1-800-327-5287

Fact Sheet 13 – Kentucky New Assistive Devices Warranty Act **A “Lemon Law” to Protect Consumers of Assistive Technology Devices**

KRS 151B.300 to 151B.335, Effective July 15, 1998

This Act will protect consumers of new assistive technology devices which are purchased or leased in order to increase, improve or maintain the functional capability of an individual with disabilities by requiring a minimum one (1) year express warranty against any defect that substantially impairs the use, value, or safety of the device. The protection provided under this Act, replacement of or refund for the defective device, will be available if the device is a "lemon".

A device will be considered a lemon when:

1. the same defect reoccurs a 3rd time after two (2) attempts by manufacturer to repair in the first year; OR
2. the equipment is out of service for covered repairs for more than a total of 30 days in the first year.

This law **OBLIGATES** manufacturers during the first year, to make covered repairs to assistive devices at no cost to the consumer.

REQUIRES loaners:

- a. If repair takes longer than 10 working days, or
- b. If the same repairs have been made over 2 times in the first year.

REMEDIES: Replacement of a device that qualifies as a lemon with a comparable new device or refund within 30 days.

The AT Lemon Law **PROHIBITS** the resale or lease in Kentucky of returned assistive devices unless full disclosure is made to the buyer or leaser.

Protect the Manufacturer by not covering:

- a. A condition resulting from abuse, neglect, unauthorized modification or alteration of the device, OR
- b. A condition resulting from normal use which may be resolved through a fitting, routine adjustment, proper preventative maintenance or care in accordance with written instructions provided with the device.

For more information

Be sure to view and/or download the complete text version of HB-410, the Kentucky New Assistive Device Warranty Act from the KATS Network website at: www.katsnet.org/publications/lemonlaw

