

Lemon Law for Assistive Devices

In 1998, the General Assembly passed the [Virginia Assistive Technology Device Warranties Act](#). The act is essentially a "lemon law" that protects consumers of assistive technology, including wheelchairs. The law is similar to the one that applies to motor vehicles with problems that affect their use, safety, or value, and guarantees the same protections to people who use assistive devices.

According to the law, an assistive technology device includes any new device, including a demonstrator, that a consumer purchases, or accepts transfer of in Virginia, that is used for a major life activity, or any other assistive device that enables a person with a disability to communicate, see, hear, or maneuver. These devices include:

- Manual wheelchairs, motorized wheelchairs, motorized scooters, and other aids that enhance the mobility of an individual;
- Hearing aids, telephone communication devices for the deaf (TTD/TTY), assistive listening devices, visual and audible signal systems, and other aides that enhance an individual's ability to hear; and
- Voice-synthesized computer modules, optical scanners, talking software, Braille printers, and other devices that enhance an individual with a visual disability's communication.

The law requires warranties on devices and has provisions for replacement or refund for those devices that can't be repaired or need constant repairs. The act also has requirements about the information consumers receive from manufacturers, such as how to get a replacement or refund and consumers' rights to legal action and arbitration. Furthermore, if a manufacturer resells an item, the consumer must be told the reason for the original return. The law is in addition to any manufacturer's warranty, which generally provides for repairs at no charge during the warranty period. The law also requires that manufacturers warrant that their products are free of defects that decrease their value for one year after a customer receives the device.

The key provision of the act defines a lemon as a device that requires repair three times for the same or related problem within the 12 months following delivery, or is not usable for a cumulative total of 30 days without a loaner. Such a device must be replaced within 30 days, or the full purchase price must be refunded within 14 days, as must any reasonable expenses associated with obtaining the repairs or an alternative assistive device.

Thus the assistive technology "lemon law" gives the consumer considerable protection against a chronic defect, and provides the force of law in requiring the dealer or manufacturer to act responsibly. Consumers should be aware that the Act also gives them the option of submitting disputes covered by the Act to the Dispute Resolution Unit of the Office of Consumer Affairs, Virginia Department of Agriculture and Consumer Services. Their mission is to provide protection to consumers against fraudulent, deceptive, or illegal practices in the marketplace. The bottom line is that the consumer does not have to live with the frustration and aggravation of a piece of defective equipment. More information, and the law itself, is also available from the Virginia Assistive Technology System.

For help with Assistive Devices, contact:

Virginia Assistive Technology System (VATS)

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