

70A-2-802 Definitions.

As used in this chapter:

- (1) "Assistive technology" means any new device or equipment, including a demonstrator, with a retail price of \$1,000 or more, which is used for a major life activity including breathing, walking, standing, speaking, hearing, seeing, communicating, learning, working, performing manual tasks, or caring for oneself.
 - (a) "Assistive technology" includes:
 - (i) manual wheelchairs, motorized wheelchairs, motorized scooters, and other aids that enhance the mobility of an individual;
 - (ii) hearing aids, telephone communication devices for the deaf (TDD), assistive listening devices, and other aids that enhance an individual's ability to hear or communicate; and
 - (iii) voice-synthesized computer modules, optical scanners, talking software, braille printers, and other devices that enhance an individual's ability to access print or communicate.
 - (b) "Assistive technology" does not include batteries, nonfunctional accessories, and normal recurring maintenance needs.
- (2) "Collateral costs" means expenses incurred by a consumer in connection with the repair of a nonconformity, including the cost of sales tax and of obtaining alternative assistive technology.
- (3) "Consumer" means any person including a public agency or other private organization, who acquires assistive technology on behalf of or for the benefit of an individual who:
 - (a) purchases assistive technology from a manufacturer, its agent, or authorized dealer for purposes other than resale;
 - (b) obtains or otherwise receives assistive technology for purposes other than resale, but only if the transfer occurs before the expiration of any applicable express warranties;
 - (c) possesses the right to enforce the warranty; or
 - (d) leases assistive technology from an authorized lessor under a written lease.
- (4) "Dealer" means a person who is in the business of selling assistive technology.
- (5) "Demonstrator" means assistive technology used primarily for the purpose of demonstration to the public.
- (6) "Disbursements" means the amount of money consumers may receive as part of a damage award based upon the pro rata share of investment by the consumers.
- (7) "Early termination cost" means any expense or obligation that a lessor incurs as a result of both the termination of a written lease before the termination date set forth in that lease and the return of the assistive technology to the manufacturer. Early termination cost includes a penalty for prepayment under a finance arrangement.
- (8) "Early termination savings" means any expense or obligation that a lessor avoids as a result of both the termination of a written lease before the termination date set forth in that lease and the return of assistive technology to a manufacturer which shall include an interest charge that the lessor would have paid to finance the assistive technology or, if the lessor does not finance the assistive technology, the difference between the total period of the lease term remaining after the early termination and the present value of that amount at the date of the early termination.
- (9) "Lease price" means the total amount for which the written lease obligates the consumer.
- (10) "Lessee" means a person who leases assistive technology as a consumer under a written lease.
- (11) "Lessor" means a person who leases assistive technology to consumers or who holds the lessor's rights under a written lease.
- (12) "Manufacturer" means a person who manufactures or assembles assistive technology including agents of that person, an importer, a distributor, a factory branch, distributor branch,

and any warrantors of the manufacturer's assistive technology, but does not include a dealer or lessor of assistive technology.

- (13) "Nonconformity" means any defect, condition, or malfunction which substantially impairs the use, value, or safety of assistive technology, but does not include a condition, defect, or malfunction that is the result of abuse, neglect, or unauthorized modification or alternation of the assistive technology by the consumer.

Enacted by Chapter 166, 1997 General Session