

1 **HEARING AID APPROVAL AND RETURN**

2 **PERIOD**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Richard M. Siddoway**

6 AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; EXTENDING THE RIGHT
7 TO CANCEL A HEARING AID PURCHASE FROM 30 DAYS TO 365 DAYS; AND MAKING
8 TECHNICAL CORRECTIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **58-41-17**, as enacted by Chapter 249, Laws of Utah 1998

12 **58-46a-503**, as enacted by Chapter 249, Laws of Utah 1998

13 *Be it enacted by the Legislature of the state of Utah:*

14 Section 1. Section **58-41-17** is amended to read:

15 **58-41-17. Testing period for hearing aids.**

16 (1) As used in this section:

17 (a) "Hearing aid" means any wearable instrument or device designed or offered for the
18 purpose of aiding or compensating for impaired human hearing and any parts, attachments, or
19 accessories thereto.

20 (b) "Hearing aid" does not include any type of device which is surgically implanted in the
21 cochlea or under the skin near the ear.

22 (2) Any person licensed under this chapter who sells a hearing aid to a consumer shall
23 provide a written receipt or written contract to the consumer. The written receipt or contract shall
24 provide the consumer with a [30] 365-day right to cancel the purchase if the consumer finds that
25 the hearing aid does not function adequately for the consumer and to obtain a refund if the
26 consumer returns the hearing aid to the seller in the same condition, ordinary wear and tear
27 excluded, as when purchased. The written receipt or contract shall notify the consumer of the [30]

28 365-day right to cancel in at least ten point type. The [30] 365-day right to cancel shall commence
29 from either the date the hearing aid is originally delivered to the consumer or the date the written
30 receipt or contract is delivered to the consumer, whichever is later. The [30] 365-day period shall
31 be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or
32 control of the hearing aid after its original delivery.

33 (3) Upon exercise of the [30] 365-day right to cancel a hearing aid purchase, the seller of
34 the hearing aid is entitled to a cancellation fee equal to the actual cost that will be incurred by the
35 seller in order to return the hearing aid to the manufacturer, provided that the written receipt or
36 contract states the exact amount that will be retained by the seller as a cancellation fee.

37 Section 2. Section **58-46a-503** is amended to read:

38 **58-46a-503. Testing period for hearing aids.**

39 (1) Any person licensed under this chapter who sells a hearing aid to a consumer shall
40 provide a written receipt or written contract to the consumer. The written receipt or contract shall
41 provide the consumer with a [30] 365-day right to cancel the purchase if the consumer finds that
42 the hearing aid does not function adequately for the consumer and to obtain a refund if the
43 consumer returns the hearing aid to the seller in the same condition, ordinary wear and tear
44 excluded, as when purchased. The written receipt or contract shall notify the consumer of the [30]
45 365-day right to cancel in at least ten point type. The [30] 365-day right to cancel shall commence
46 from either the date the hearing aid is originally delivered to the consumer or the date the written
47 receipt or contract is delivered to the consumer, whichever is later. The [30] 365-day period shall
48 be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or
49 control of the hearing aid after its original delivery.

50 (2) Upon exercise of the right to cancel a hearing aid purchase, the seller of the hearing
51 aid is entitled to a cancellation fee not to exceed 15% of all fees charged to the consumer,
52 including testing, fitting, counseling, and the purchase price of the hearing aid. The exact amount
53 of the cancellation fee shall be stated in the written receipt or contract provided to the consumer.

Legislative Review Note

as of 1-28-00 8:29 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel