



Ohio Legislative Service Commission

Bill Analysis

Nicholas A. Keller

S.B. 289

130th General Assembly
(As Introduced)

Sen. Patton

BILL SUMMARY

- Prohibits a supplier from selling to a consumer as a new tire a tire that is a retreaded, previously used, or recycled tire or that was manufactured more than three years before being sold to the consumer.
- Requires a supplier selling such a tire to a consumer to provide the consumer with notice of the year and month in which the tire was manufactured and a written disclosure specified in the bill.

CONTENT AND OPERATION

Selling a tire as new

The bill prohibits a supplier from selling a tire to a consumer as "new" if either of the following applies to the tire:

- The tire is a retreaded, previously used, or recycled tire.
- The tire was manufactured more than three years before the date of sale to the consumer.¹

A "tire" is a tire for use on a motor vehicle classified as a passenger vehicle or motorcycle.²

¹ R.C. 1345.82(B).

² R.C. 1345.82(A).

Notice and disclosure required

If a supplier sells a tire to a consumer that cannot be sold to a consumer as new under "**Selling a tire as new**," above, the supplier must provide a notice and a written disclosure to the consumer. The notice must be provided before the tire is installed and must state in plain language and in at least ten point boldface type the month and year in which the tire was manufactured. The disclosure, which also must be in ten point boldface type, must contain the following statement:

Notice. This tire is not new.

Tires deteriorate with age, even if they have never or seldom been used. As tires age, they are prone to sudden and catastrophic failure. This tendency also applies to spare tires and tires that are stored for future use. Many automobile manufacturers recommend that tires be replaced after six years, regardless of the remaining tread depth. For your safety and the safety of others, inspect your tires regularly and maintain the proper inflation.³

Warranty and liability

The bill must not be construed to affect or modify a tire manufacturer's tire warranty. Under the bill, a supplier's failure to meet the bill's requirements must not be considered evidence of negligence or contributory fault for purposes of continuing law governing contributory fault in lawsuits and is inadmissible in a lawsuit for damages involving injury, death, or harm to person or property.⁴

Penalties

A violation of the bill's prohibitions in connection with a consumer transaction constitutes an unfair or deceptive act or practice in violation of the Consumer Sales Practices Act (CSPA).⁵ Under the CSPA, a consumer may bring an action for damages or other relief against a person who violates the CSPA. The CSPA also allows for the Attorney General to request a court to impose a civil penalty, to bring a class action, or to seek other relief to restrain the unfair or deceptive act or practice.⁶ Notwithstanding these continuing law powers and remedies, the bill requires a supplier who violates one of the bill's prohibitions to be subject to a fine of up to \$250 for each violation.

³ R.C. 1345.82(C).

⁴ R.C. 1345.82(D) and (E).

⁵ R.C. 1345.82(F).

⁶ R.C. 1345.07 and 1345.09, not in the bill.



HISTORY

ACTION

DATE

Introduced

02-26-14

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