



PROTECTION & ADVOCACY
FOR PEOPLE WITH DISABILITIES, INC.

The Protection and Advocacy System for South Carolina

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FACT SHEET

The South Carolina Assistive Technology LEMON LAW



What is the SC Assistive Technology (AT) LEMON LAW?

- It is the South Carolina Assistive Technology Warranty Act (S.C. Code Ann. §39-54-10).
- It became law in 1998.
- It covers any assistive technology device which a manufacturer sells or leases for \$300 or more.
- To qualify as a "lemon" the AT device must have been repaired 3 times OR the AT device must be out of service for 30 days.
- It gives consumers certain rights to a refund or replacement.

EXCLUSIONS:

- Hearing aids
- Contact lenses or eyeglasses
- Dental prostheses
- Medical/surgical devices or organ implants
- Items sold "as is"
- Defects that occur because of the consumer's abuse, misuse, negligence, or unauthorized modification
- Conditions that may be resolved through routine fittings
- A change in the buyer's condition that has made the AT device unsuitable

What is an AT Device?

An AT device is a tool or equipment that allows an individual with a disability to work, communicate, or live more independently.

AT Device Examples:

- Switches that allow computer access through eye blinks or head movements
- Ramps or other modifications to home or workplace
- Telephone communication devices
- Power wheelchairs
- Talking computers
- Assistive listening devices (other than hearing aides)
- Wheelchair lifts
- Hand controls for vehicles
- Braille printers
- Touch screens

Why is there an AT Lemon Law?

A person with a disability may depend on AT to live, work, and learn. If the equipment breaks down or does not work, then the person may be unable to do certain tasks.

Although some AT devices may cost as little as a few dollars, other AT devices are very expensive and may cost several thousand dollars. If the item breaks down, it may cost a lot of money to repair. The AT Lemon Law protects against poor workmanship or faulty products by giving consumers rights to enforce guarantees.

When a manufacturer sells an AT device, South Carolina law says it automatically comes with a one-year warranty that there are no defects in parts or performance. The only exception is if the bill of sale clearly states the AT device is sold in an "as is" condition. Then there is no warranty except what is specifically stated on the bill of sale. There is similar protection for AT devices that are leased from a manufacturer.

How does the AT Lemon Law work?

There are two different ways the AT Lemon Law works; one if the person with a disability buys the AT device and the other way if the person leases it.

Whether the AT device was bought or leased, the following conditions apply:

- A. The price of the AT device must be \$300 or more.

- B. Within one year from date of delivery, the AT device stops working
-OR- it does not work the way it is supposed to.
- C. Within one year from date of delivery of the AT device,
 - i. The person with a disability contacts the manufacturer or the dealership where he/she bought the AT device and reports the problem.
 - AND -
 - ii. The person with a disability makes the AT device available for repair.

If the person BOUGHT the AT device, then the manufacturer is supposed to repair the AT device so that there is no longer a problem -OR- if the manufacturer is not able to repair the AT device, it will keep the defective AT device and:

- A. **Replace** it with a comparable AT device.
- OR-
- B. **Refund** the full purchase price paid PLUS any finance charges and costs of any replacement while the AT device was being repaired.

If the person LEASED the AT device, then the AT device is to be repaired so that there is no longer a problem -OR- if the AT device cannot be repaired, the manufacturer will refund the amount the consumer paid under the lease and costs of any replacement while the AT device was being repaired.

A consumer may also bring a lawsuit for double damages and collect legal costs and attorney fees.

If you would like additional information about the South Carolina AT Lemon Law,
please contact P&A

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By email at info@pandasc.org

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This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact P&A for updates.

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