

~~2. IF THE EXCISE TAX ON THE VEHICLE BEING REPLACED EXCEEDS THE EXCISE TAX ON THE REPLACEMENT VEHICLE, THE CONSUMER SHALL BE ENTITLED TO RECOVER FROM THE MOTOR VEHICLE ADMINISTRATION THE EXCESS OF THE EXCISE TAX PAID.~~

~~(B) THE EXCISE TAXES THAT A CONSUMER IS ENTITLED TO RECOVER UNDER THIS SECTION SHALL BE CALCULATED BASED ON THE AMOUNT OF THE PURCHASE PRICE OR ANY PORTION OF THE PURCHASE PRICE OF THE COMMERCIAL TRUCK THAT THE DEALER, MANUFACTURER, FACTORY BRANCH, OR DISTRIBUTOR REFUNDS TO THE CONSUMER.~~

~~(C) A DEALER, MANUFACTURER, FACTORY BRANCH, OR DISTRIBUTOR THAT IS REQUIRED UNDER A JUDGMENT, DECREE, ARBITRATION AWARD, OR SETTLEMENT AGREEMENT TO ACCEPT, OR WHO ACCEPTS, BY VOLUNTARY AGREEMENT, RETURN OF A COMMERCIAL TRUCK SHALL NOTIFY THE CONSUMER IN WRITING THAT THE CONSUMER IS ENTITLED TO RECOVER THE EXCISE TAX FROM THE MOTOR VEHICLE ADMINISTRATION.~~

~~14-15A-06.~~

~~(A) A VIOLATION OF THIS SUBTITLE IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THIS ARTICLE.~~

~~(B) IN ADDITION TO ANY OTHER REMEDIES THAT MAY BE AVAILABLE UNDER THIS SUBTITLE, IF A MANUFACTURER, FACTORY BRANCH, OR DISTRIBUTOR IS FOUND TO HAVE ACTED IN BAD FAITH, THE COURT MAY AWARD THE CONSUMER DAMAGES NOT EXCEEDING \$10,000 FOR EACH ACTION IN BAD FAITH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2007.

Approved by the Governor, May 8, 2007.

CHAPTER 439

(House Bill 910)

AN ACT concerning