



PROBLEMS WITH YOUR NEW MOTORIZED WHEELCHAIR? YOUR RIGHTS UNDER PENNSYLVANIA'S MOTORIZED WHEELCHAIR WARRANTY ACT

Pennsylvania has a little-known law that protects individuals who have new motorized wheelchairs. The law is called Pennsylvania's Motorized Wheelchair Warranty Act. This law gives you rights when there are problems with your new motorized wheelchair. This fact sheet describes your rights under this law.

What Does the Motorized Wheelchair Warranty Act Mean?

When you get a new motorized wheelchair, the manufacturer must give you a written warranty that lasts for one year from the date that the motorized wheelchair was first delivered to you. This one-year warranty applies if Medicare, Medical Assistance, private insurance, you, or anyone else pays for the new motorized wheelchair. This one-year warranty applies to a motorized wheelchair that you buy in Pennsylvania or to a motorized wheelchair that is delivered to you in Pennsylvania. You have this one-year warranty by law even if the manufacturer actually gives you a written warranty that is less than one year. This right to a one-year warranty cannot be waived by you.

What Does the Warranty Mean?

The manufacturer must try to repair your motorized wheelchair for free during the one-year warranty period if:

1. There is a problem with the motorized wheelchair, called a “nonconformity,” that is covered by the written warranty. A “nonconformity” means that the motorized wheelchair has a condition or defect that makes the wheelchair not usable, not safe, or worth little money. It is not a “nonconformity” if you abused or neglected the wheelchair or if you made changes to the wheelchair yourself without permission.
2. You report the problem with your motorized wheelchair to the manufacturer or authorized wheelchair dealer before one year after the date that the motorized wheelchair was first delivered to you. It is a good idea to put this in a letter with the date and to keep a copy of this letter for yourself.
3. You make the motorized wheelchair available to the manufacturer or to the authorized wheelchair dealer for repair before one year after the date that the motorized wheelchair was first delivered to you. It is a good idea to put this in a letter with the date and to keep a copy of this letter for yourself.

When #1, #2, and #3 above happens, then the manufacturer must repair the problem for free. The manufacturer can repair the problem itself or through the authorized wheelchair dealer. You can ask the manufacturer or authorized wheelchair dealer to give you a loaner motorized wheelchair for free while it is fixing your motorized wheelchair.

What Other Rights Do I Have?

If the manufacturer or authorized wheelchair dealer tries four times to repair the same problem during the one-year warranty period, and the nonconformity is still not fixed, OR if you cannot use your motorized wheelchair for at least 30 days total during the one-year warranty period because of nonconformities, then you have the following rights:

1. You can offer to give your motorized wheelchair back to the manufacturer. It is a good idea to put this in a letter to the manufacturer, with the date, and to keep a copy of this letter for yourself.
2. No later than thirty (30) days after your offer to return your motorized wheelchair, the manufacturer must:
 - a. Accept return of your motorized wheelchair and replace it with a new motorized wheelchair that is as good as the original motorized wheelchair plus refund to you any money that you had to spend to enforce these rights, OR
 - b. give you a full refund minus a reasonable amount of money for using the wheelchair (if Medicare, Medical Assistance, or private health insurance paid for part of the wheelchair, the manufacturer must return the money to the insurance company and also refund your copay to you).
3. When the manufacturer gives you the replacement motorized wheelchair or refund, you must return the defective motorized wheelchair to the manufacturer.

Can I Sue or Make a Complaint?

In addition to your other rights, you have the right to file a lawsuit for damages caused by a violation of this law. You can have the defendant pay your lawyer's fees if you are successful in your lawsuit. Contact a lawyer right away if your new motorized wheelchair is not working and the manufacturer or authorized wheelchair dealer will not fix the wheelchair.

You may also make a complaint to the Pennsylvania Attorney General's Bureau of Consumer Protection. If you wish to make a complaint, make the complaint as soon as possible in writing. The contact information is: Office of Attorney General, Bureau of Consumer Protection, 15th Floor, Strawberry Square, Harrisburg, PA 17120, 800-441-2555 (toll free voice). More information and an online complaint form may be found at: www.attorneygeneral.gov/consumers.aspx?id=451. However, also be sure to contact a lawyer immediately, as there are deadlines for filing a lawsuit.

What If I Am Leasing A New Motorized Wheelchair?

If you are leasing a new motorized wheelchair that has a problem, the same rules apply. If the motorized wheelchair cannot be repaired, as stated above, then you have the right to a refund. The rules for this are more complicated, so please contact a lawyer for more information.

What If I Need Help?

If you need more information or need help, please contact the intake unit of Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

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PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443 Ext. 400, TDD: 877-375-7139, or drnpa-hbg@drnpa.org.