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WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1984



ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 310

(By Mrs. *Spears* & Mr. *Williams*)



PASSED ..... *March 10,* ..... 1984

In Effect *Ninety days from* Passage



**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 310**

(MRS. SPEARS AND MR. WILLIAMS, *original sponsors*)

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[Passed March 10, 1984; in effect ninety days from passage.]

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AN ACT to amend and reenact section fifteen, article twenty-six, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to delivery of receipt by hearing-aid dealer to person supplied with a hearing aid; information contained on receipt; creating a right of person to whom hearing aid is supplied to return the hearing aid and rescind the purchase agreement within a certain time; extension of time for certain reasons; reasonable fees for examination and fitting not precluded by exercise of right to return and rescind; and maximum fees for examination and fitting to be set by board.

*Be it enacted by the Legislature of West Virginia:*

That section fifteen, article twenty-six, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 26. HEARING-AID DEALERS AND FITTERS.**

**§30-26-15. Receipt required to be furnished to a person supplied with hearing aid; information required; right to rescind purchase agreement.**

- 1 (a) Any person who practices the fitting and sale of
- 2 hearing aids shall deliver to each person supplied with a

3 hearing aid a receipt which shall contain his signature, his  
4 business address and the number of his license; the  
5 specifications as to the make and model of the hearing aid  
6 furnished; the full terms of the sale, including the date upon  
7 which the hearing aid was supplied to the person; the  
8 address of the West Virginia board of hearing-aid dealers;  
9 and the following statement: "Any person supplied with a  
10 hearing aid by a hearing-aid dealer licensed in this state,  
11 has the right to return the hearing aid to the dealer within  
12 thirty days after receipt and rescind the purchase  
13 agreement except for reasonable fitting and examination  
14 charges if the hearing aid does not function properly, the  
15 hearing aid cannot be adjusted to satisfactorily correct the  
16 deficiency in the person's hearing or the person is otherwise  
17 dissatisfied with the hearing aid." If a hearing aid which  
18 has been previously sold at retail is sold, the receipt shall be  
19 clearly marked as "used" or "reconditioned" whichever is  
20 applicable, with terms of guarantee, if any.

21 Such receipt shall be in the manner and form as  
22 prescribed by the board in its rules and regulations. Such  
23 rules and regulations shall prescribe the type and size of  
24 print to be used in such receipt and the receipt shall set forth  
25 such additional information as the board may prescribe. A  
26 copy of such receipt shall be retained in the records of the  
27 licensee for a period of seven years following the issuance of  
28 such receipt.

29 (b) Each person supplied with a hearing aid by a  
30 hearing-aid dealer licensed pursuant to the provisions of  
31 this article, shall have the right to return the hearing aid to  
32 the dealer within thirty calendar days of receipt and rescind  
33 the purchase agreement if the hearing aid does not function  
34 properly, cannot be adjusted to satisfactorily correct the  
35 deficiency in the person's hearing or the person is otherwise  
36 dissatisfied with the hearing aid. If a hearing-aid dealer,  
37 pursuant to being notified by a person to whom he has  
38 supplied a hearing aid that the hearing aid does not  
39 function properly, does not satisfactorily correct the  
40 deficiency in the person's hearing or that the person is  
41 otherwise dissatisfied with the hearing aid, makes an  
42 adjustment to the hearing aid or advises the person to  
43 continue use of the hearing aid for the purpose of becoming  
44 more accustomed thereto or any other reason, the right of

45 the person to whom the hearing aid was supplied shall be  
46 extended for thirty calendar days following the date upon  
47 which such adjustment was made or advisement was given.

48 (c) An exercise of the right to rescind the purchase  
49 agreement by a person to whom a hearing aid has been  
50 supplied may not preclude the dealer from charging  
51 reasonable fees for examination and fitting. The maximum  
52 fees which may be charged by a hearing-aid dealer for  
53 examination and fitting shall be fixed by the West Virginia  
54 board of hearing-aid dealers by rule and regulation  
55 lawfully promulgated in accordance with the provisions of  
56 chapter twenty-nine-a of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Harold E. Blue*

Chairman Senate Committee

*Donald Anello*

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Jedd C. Vulliamy*

Clerk of the Senate

*Donald J. Hoop*

Clerk of the House of Delegates

*Warren R. McLean*

President of the Senate

*W. M. See, Jr.*

Speaker House of Delegates

The within... *is approved* .....this the *30* .....  
day of *March* ....., 1984.

*John R. Rymer*  
Governor

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SECY. OF STATE