

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1222

H. P. 924

House of Representatives, March 1, 1973

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mrs. Boudreau of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to a Minimum Warranty Standard for Mobile Homes.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 10, c. 213, additional. Title 10 of the Revised Statutes is amended by adding a new chapter 213 to read as follows:

CHAPTER 213

MOBILE HOME WARRANTIES

§ 1401. Necessity of warranty

After the effective date of this chapter, all new mobile homes sold by a mobile home dealer situated in the State of Maine shall be covered by the warranty set forth in this chapter.

§ 1402. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Dealer. "Dealer" shall include any person, corporation, association or any other legal entity who customarily sells mobile homes to consumers.

2. Mobile home. "Mobile home" shall include any structure built upon a frame or chassis in order to render the structure readily moveable as a unit or units on its own running gear and designed to be used as a year-round dwelling unit with or without a permanent foundation.

§ 1403. Application

The warranty provided for in this chapter shall apply to the manufacturer of the mobile home, as well as to the dealer who sells the mobile home to the buyer.

§ 1404. Written warranty; contents

The mobile home warranty from the manufacturer or dealer to the buyer shall be set forth in writing and shall contain the following terms:

1. **Defects.** That the mobile home is free from any substantial defects in materials or workmanship;

2. **Corrective action.** That the manufacturer or dealer or both shall take appropriate corrective action at the site of the mobile home in instances of substantial defects in materials or workmanship, which become evident within one year from the date of the delivery of the mobile home to the consumer, provided the consumer or his transferee gives written notice of such defects to the manufacturer or dealer at their business address not later than one year and 10 days after date of delivery.

§ 1405. Cumulative remedies; prohibition against waiver

The warranty under this chapter shall be in addition to and not in derogation of all other rights and privileges which such consumer may have under any other law or instrument. The manufacturer or dealer shall not require the buyer to waive his rights under this chapter and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

STATEMENT OF FACT

A great many of the mobile homes sold in Maine contain waiver provisions excluding the consumer's warranty rights under the Uniform Commercial Code. In place of these warranty rights, the manufacturers and dealers substitute their own warranty, which generally extends for 90 days from the date of purchase and requires the consumer to return, at his own expense, the unit to the manufacturing site.

This bill would abolish that unconscionable practice and would afford Maine consumers the security of knowing that the mobile home they purchase will provide a fit dwelling place for at least one year.