

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1219

H. P. 968

House of Representatives, March 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Faucher of Solon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Requiring Used Car Dealers to Give a 60-day Warranty for All Cars Less Than 7 Years Old on the Engine, Transmission, Front End and Rear Axle.

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

Sec. 1. 10 MRSA c. 215 is enacted to read:

CHAPTER 215
USED CAR SALES

§ 1451. Express warranty required

Any used car dealer who sells a used car which is not more than 7 years old at the time of sale shall expressly warrant that the engine, transmission, front end and rear axle are in good condition and free from any defect, and that he will properly repair or replace any of the parts at no charge to the purchaser in the event of any failure thereof during the period of 60 days following delivery of the car to the purchaser or prior to the operation of the car for a distance of more than 5,000 miles, whichever shall first occur, unless the failure is caused by the negligence or abuse of the purchaser or by collision.

§ 1452. Used car warranty by dealer not insurance business

No warranty of a used car by a used car dealer shall be deemed the doing of business as an insurer.

§ 1453. Failure to give express warranty

Any used car dealer who fails to give the express warranty required by section 1451 shall, in the event of failure of any such parts during the period

specified in section 1451, be liable in an action at law for damage in the amount of 3 times the reasonable cost of repair or replacement thereof unless the failure was caused by the negligence or abuse of the purchaser or by collision.

Sec. 2. **Effective date.** This Act shall become effective January 1, 1977.

STATEMENT OF FACT

It is the purpose of this legislation to protect automobile consumers. Any automobile which cannot be warranted against major defects for a 60-day period or 5,000 miles, whichever comes first, should not be sold to a consumer.