

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1684

H.P. 1236

House of Representatives, December 23, 2011

An Act To Amend the Uniform Commercial Code Regarding Motor Vehicle Warranties

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CUSHING of Hampden.
Cosponsored by Senator RECTOR of Knox and
Representatives: CLARK of Easton, Speaker NUTTING of Oakland, WILLETTE of
Mapleton, Senators: COLLINS of York, COURTNEY of York, PLOWMAN of Penobscot,
THOMAS of Somerset.

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

2 **Sec. 1. 11 MRSA §2-316, sub-§(5)**, as amended by PL 1997, c. 497, §1, is
3 further amended to read:

4 (5). The provisions of subsections (2), (3) and (4) do not apply to sales of consumer
5 goods or services. Any language, oral or written, used by a seller or manufacturer of
6 consumer goods and services that attempts to exclude or modify any implied warranties
7 of merchantability and fitness for a particular purpose or to exclude or modify the
8 consumer's remedies for breach of those warranties is unenforceable. A seller or
9 manufacturer of a motor vehicle may indicate that, to the extent permitted by law, the
10 seller or manufacturer is excluding or modifying implied warranties. Any language, oral
11 or written, used by a prior seller or manufacturer of consumer goods and services that
12 attempts to exclude or modify the warranty or reimbursement remedy of a retail seller of
13 consumer goods and services who provides reimbursement or return to a consumer as
14 required to honor an implied warranty of merchantability due to a defect for which that
15 prior seller or manufacturer is liable under section 2-314 or 2-315 is unenforceable.
16 Consumer goods and services are those new or used goods and services, including mobile
17 homes, that are used or bought primarily for personal, family or household purposes.

18 (a). A violation of section 2-314, 2-315 or 2-316 arising from the retail sale of
19 consumer goods and services constitutes a violation of Title 5, chapter 10, Unfair
20 Trade Practices Act.

21 (b). A violation of section 2-316 arising from an attempt by a prior seller or
22 manufacturer of consumer goods and services to exclude or modify the warranty or
23 reimbursement remedy of a retail seller of consumer goods and services who
24 provides reimbursement or return to a consumer as required to honor an implied
25 warranty of merchantability due to a defect for which that prior seller or manufacturer
26 is liable under section 2-314 or 2-315 does not constitute a violation of Title 5,
27 chapter 10, Unfair Trade Practices Act.

28 **SUMMARY**

29 This bill allows a seller or manufacturer of a motor vehicle to indicate that, to the
30 extent permitted by law, the seller or manufacturer is excluding or modifying implied
31 warranties.