

HOUSE No. 5166

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 11, 1970.

The committee on Bills in the Third Reading, to whom was referred the Bill limiting the enforcement of certain warranties (House, No. 2837), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 5166).

For the committee,

RAYMOND M. LAFONTAINE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT PROVIDING THAT ANY ATTEMPT TO EXCLUDE OR MODIFY THE WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PURPOSE IN A SALE OF CONSUMER GOODS SHALL BE UNENFORCEABLE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 106 of the General Laws is hereby amended by in-
2 serting after section 2-316 the following section:—

3 *Section 2-316A. Limitation of Exclusion or Modification of*
4 *Warrants.* — The provisions of section 2-316 shall not apply to
5 sales of consumer goods, services or both. Any language, oral or
6 written, used by a seller or manufacturer of consumer goods and
7 services, which attempts to exclude or modify any implied war-
8 ranties of merchantability and fitness for a particular purpose or
9 to exclude or modify the consumer's remedies for breach of those
10 warranties, shall be unenforceable.

11 Any language, oral or written, used by a manufacturer of con-
12 sumer goods, which attempts to limit or modify a consumer's
13 remedies for breach of such manufacturer's express warranties
14 shall be unenforceable, unless such manufacturer maintains
15 facilities within the commonwealth sufficient to provide reason-
16 able and expeditious performance of the warranty obligations.