

HOUSE No. 1953

By Mr. Cox of Lowell, petition of John F. Cox for legislation to further regulate the exclusion or modification of warranties of certain consumer goods or services. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT FURTHER REGULATING THE EXCLUSION OR MODIFICATION OF CERTAIN WARRANTIES.

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 striking
2 out section 2-316A and inserting in place thereof the following
3 section: —

4 Section 2-316A. Limitation of Exclusion or Modification of
5 Warranties.

6 The provisions of section 2-316 shall not apply to sales of
7 consumer goods, services or both or to sales of goods to merchants
8 for resale or use by consumers. Any language, oral or written, used
9 by a seller or manufacturer of consumer goods and services or
10 goods which a merchant purchases for resale or use by a consumer,
11 which attempts to exclude or modify any implied warranties of
12 merchantability and fitness for a particular purpose or to exclude
13 or modify such merchant's or the consumer's remedies for breach
14 of those warranties, shall be unenforceable.

15 Any language, oral or written, used by a manufacturer of
16 consumer goods or goods which a merchant purchases for resale
17 or use by a consumer, which attempts to limit or modify such
18 merchant's or consumer's remedies for breach of such
19 manufacturer's express warranties, shall be unenforceable, unless
20 such manufacturer maintains facilities within the commonwealth
21 sufficient to provide reasonable and expeditious performance of
22 the warranty obligations.

23 The provisions of this section may not be disclaimed or waived
24 by agreement.

