

§7101. Short title; purpose; scope

1. Short title. This chapter may be known and cited as "the Service Contracts Act."
[PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

2. Purpose. The purpose of this chapter is to create a legal framework within which service contracts may be sold in this State.
[PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

3. Exclusions. The following types of service contracts are exempt from the provisions of this Title, including the other provisions of this chapter:

A. Warranties; [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

B. Maintenance agreements; [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

C. Warranties, service contracts or maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Public Utilities Commission; [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

D. Service contracts sold or offered for sale to persons other than consumers; [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

E. Service contracts on tangible personal property when the tangible personal property for which the service contract is sold has a purchase price of \$100 or less, exclusive of sales tax; [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

F. Road or tourist service contracts under section 3, subsection 2; [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

G. Home service contracts under section 3, subsection 3; and [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

H. Warranties, service contracts and maintenance agreements that are conditioned upon or otherwise associated with the sale or supply of heating fuel. [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

[PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

4. Limited exclusions. The application of this chapter to the following is limited as follows.

A. Service contracts under which a motor vehicle dealer licensed pursuant to Title 29-A, chapter 9 is obligated to perform and that are sold in connection with the sale or service of a motor vehicle as defined in Title 29-A, section 101, subsection 42 are exempt from the requirements of section 7103, subsection 5 but must comply with all other requirements of this chapter. [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

B. A motor vehicle manufacturer's service contracts on the motor vehicle manufacturer's products must comply only with section 7103, subsection 7; section 7105, subsection 1 and subsections 4 to 13; section 7109; and section 7110, as applicable. [PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

The types of agreements referred to in subsections 3 and 4 and service contracts governed by this chapter are not insurance and are not required to comply with any provision of the insurance laws of this State other than as expressly made applicable in this chapter as long as the service contract provider and administrator have registered with the superintendent as required by section 7103, subsection 4.
[PL 2011, c. 345, §4 (NEW); PL 2011, c. 345, §7 (AFF).]

SECTION HISTORY

PL 2011, c. 345, §4 (NEW). PL 2011, c. 345, §7 (AFF).

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