

§1474. Warranty

1. Warranty content. A dealer warrants that the motor vehicle the dealer sells, negotiates the sale of, offers for sale or transfers to a person other than another dealer has been inspected in accordance with Title 29-A, section 1751, and with the rules promulgated under that section:

A. That the motor vehicle is in the condition and meets the standards required by that law and the rules; or [PL 1985, c. 429, §3 (NEW).]

B. If the motor vehicle is a reconstructable motor vehicle, that the motor vehicle is in the condition specified in the disclosure statement affixed to the vehicle as required by subsection 4. [PL 1985, c. 429, §3 (NEW).]

[PL 1995, c. 65, Pt. A, §20 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

2. Exclusion limitation, modification or waiver prohibited. The warranty referred to in subsection 1 herein, and any person's remedies for breach thereof, may not be excluded, limited, modified or waived by words or conduct of either the dealer or any other person.

[PL 1975, c. 770, §57 (NEW).]

3. Dealer to furnish certain written statements concerning warranty. A dealer may not sell, offer for sale or transfer a used motor vehicle to a person unless the dealer furnishes to the person a written statement containing the warranty required by subsection 1. Any other warranty, in addition to that required by subsection 1, that may be extended or agreed to by the dealer must be set forth in this written statement in accordance with further requirements of this section.

A. Every written statement must contain, fully and conspicuously disclosed, the following information:

(1) The name and address of the dealer's place of business where repairs, replacement of parts and other service under the warranty are to be performed or, if such repairs, replacement of parts and other service under the warranty are not to be performed at that place of business, the name, address and other identifying information of each facility within a radius of 50 miles of the dealer's place of business to which the vehicle may be brought for repairs, replacement of parts and other service under the warranty; and

(2) The following notice: "If a dealer fails to perform the dealer's obligation under the warranty, the purchaser shall give the dealer written notice of such failure before the purchaser initiates a civil action in accordance with section 1476." The notice must be sent by registered or certified mail to the dealer's last known business address. [RR 2023, c. 2, Pt. C, §29 (COR).]

B. In addition, the written statement required by this subsection must contain, fully and conspicuously disclosed, the following information concerning any additional warranty not required by subsection 1:

(1) The date on which the additional warranty begins as well as the date on which or the number of days or mileage at which the warranty will terminate, either handwritten or printed on the statement by the dealer;

(2) The parts or systems of the vehicle that are warranted against mechanical defects, or the parts or systems of the vehicle excluded from the warranty; and

(3) A statement of what the dealer will do in the event of a mechanical defect and at whose expense. [PL 2013, c. 292, §1 (AMD); PL 2013, c. 292, §2 (AFF).]

[RR 2023, c. 2, Pt. C, §29 (COR).]

4. Disclosure of information for the sale of reconstructable motor vehicles. Disclosure of information for the sale of reconstructable motor vehicles shall be as follows.

A. A dealer may not sell, negotiate the sale of, offer for sale or transfer any reconstructable motor vehicle to a person other than another dealer unless the dealer affixes to the vehicle a conspicuous written statement, which must:

(1) Appear under the following conspicuous caption:

UNSAFE MOTOR VEHICLE

THIS CAR DOES NOT MEET MAINE'S INSPECTION LAWS AND IS UNSAFE TO DRIVE ON THE ROAD. THIS CAR WILL NEED TO BE REBUILT OR REPAIRED IN ORDER TO MEET MAINE'S INSPECTION LAWS AND BE SAFELY DRIVEN ON THE ROAD;

(2) Contain a statement of the components of the motor vehicle that must be inspected pursuant to the State's inspection laws and the specific components on the vehicle that do not meet those laws;

(3) Contain the following information in the form of an inspection report:

(a) The make, model, model year and vehicle identification number of the reconstructable motor vehicle;

(b) The signature and inspection license number of the inspection mechanic licensed by the State who performed the inspection; and

(c) The date the inspection was performed; and

(4) Contain a statement that the vehicle must be towed from the premises. [RR 2023, c. 2, Pt. C, §30 (COR).]

B. The dealer shall present to the buyer of a reconstructable motor vehicle a copy of the disclosure statement required under paragraph A and obtain the buyer's signature and date on this disclosure prior to the sale or transfer of the reconstructable motor vehicle to the buyer. The dealer shall furnish the buyer with a copy of the signed and dated disclosure immediately after the buyer signs the disclosure. The dealer shall retain a copy of the signed and dated disclosure for a period of 3 years from the date of sale or transfer. [PL 1985, c. 429, §4 (NEW).]

C. The inspection report shall be dated no more than 60 days prior to the date of sale, negotiation for sale, offer for sale or transfer of the reconstructable motor vehicle. [PL 1985, c. 429, §4 (NEW).]

D. Evidence outside the contract and written disclosure will be admissible to contradict any written provisions in the contract or disclosure. [PL 1985, c. 429, §4 (NEW).]

E. The disclosure sticker affixed to the reconstructable motor vehicle may not be removed by the dealer. [PL 1985, c. 429, §4 (NEW).]

F. The Bureau of Motor Vehicles may adopt rules related to this section, including, but not limited to, rules establishing uniform disclosure forms and stickers. [PL 1991, c. 837, Pt. A, §24 (AMD).]

G. In addition to the penalties described in section 1477, any violation of subsection 1, paragraph B, and this subsection shall be a Class E crime. [PL 1985, c. 429, §4 (NEW).]

[RR 2023, c. 2, Pt. C, §30 (COR).]

SECTION HISTORY

PL 1975, c. 770, §57 (NEW). PL 1977, c. 224 (AMD). PL 1977, c. 564, §50 (AMD). PL 1977, c. 696, §116 (AMD). PL 1981, c. 470, Pt. A, §29 (AMD). PL 1985, c. 429, §§3, 4 (AMD). PL 1991, c. 837, Pt. A, §24 (AMD). PL 1995, c. 65, §A20 (AMD). PL 1995, c. 65, §§A153, C15 (AFF). PL 2013, c. 292, §1 (AMD). PL 2013, c. 292, §2 (AFF). RR 2023, c. 2, Pt. C, §§29, 30 (COR).

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