

§2-1212. Implied warranty of merchantability

(1). Except in a finance lease, a warranty that the goods will be merchantable is implied in a lease contract if the lessor is a merchant with respect to goods of that kind.

[PL 1991, c. 805, §4 (NEW).]

(2). Goods to be merchantable must at least:

(a). Pass without objection in the trade under the description in the lease agreement; [PL 1991, c. 805, §4 (NEW).]

(b). In the case of fungible goods, be of fair average quality within the description; [PL 1991, c. 805, §4 (NEW).]

(c). Be fit for the ordinary purposes for which goods of that type are used; [PL 1991, c. 805, §4 (NEW).]

(d). Run, within the variation permitted by the lease agreement, of even kind, quality and quantity within each unit and among all units involved; [PL 1991, c. 805, §4 (NEW).]

(e). Be adequately contained, packaged and labeled as the lease agreement may require; and [PL 1991, c. 805, §4 (NEW).]

(f). Conform to any promises or affirmations of fact made on the container or label. [PL 1991, c. 805, §4 (NEW).]

[PL 1991, c. 805, §4 (NEW).]

(3). Other implied warranties may arise from course of dealing or usage of trade.

[PL 1991, c. 805, §4 (NEW).]

SECTION HISTORY

PL 1991, c. 805, §4 (NEW).

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