

1 with respect to goods which are the subject of or are intended to
2 become the subject of a consumer transaction, ~~no merchant shall a~~
3 merchant may not:

4 (1) Exclude, modify or otherwise attempt to limit any
5 warranty, express or implied, including the warranties of
6 merchantability and fitness for a particular purpose; or

7 (2) Exclude, modify or attempt to limit any remedy provided by
8 law, including the measure of damages available, for a breach of
9 warranty, express or implied.

10 Any such exclusion, modification or attempted limitation shall
11 be void.

12 (b) The provisions of subsection (a) of this section or of any
13 other provision of this code to the contrary notwithstanding, a new
14 or used motor vehicle dealer licensed under the provisions of
15 article six, chapter seventeen-a of this code may sell or offer for
16 sale any used motor vehicle having a purchase price of \$1,000 or
17 less, exclusive of loan finance charges or official fees, or having
18 been driven seventy-five thousand or more miles, on an "as is"
19 basis without any warranty, express or implied, if:

20 (1) A window sticker containing the words "to be sold as is
21 without warranty" in print at least one inch high, is conspicuously
22 placed on the windshield of the used motor vehicle; and

23 (2) The contract of sale or other document by which title of
24 the used motor vehicle is intended to pass conspicuously states

1 upon its face in boldface print of at least fourteen point, a
2 separate statement that the used motor vehicle is sold on an "as
3 is" basis and without any express or implied warranty. The
4 statement shall also include a declaration to be separately signed
5 by the purchaser that the purchaser clearly understands that the
6 used motor vehicle is being sold on an "as is" basis and without
7 warranty.

NOTE: The purpose of this bill is to permit licensed dealers of new and used motor vehicles to sell or offer for sale used motor vehicles costing \$1,000 or less or having been driven seventy-five thousand or more miles on an "as is" basis and without any warranty, express or implied. The dealer would be required to post upon the windshield a conspicuous statement that the vehicle is to be sold "as is" and without warranty and the purchaser would be required to execute a statement indicating his or her knowledge of that fact.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.