

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 217**

BY SENATOR TRUMP

[Originating in the Committee on the Judiciary;

reported on March 24, 2017]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §46A-6-107a, relating to disclaimers of warranties with respect to used  
3 manufactured homes generally; providing that a consumer who purchases a used  
4 manufactured home may waive a warranty for a particular defect or malfunction which the  
5 merchant has disclosed in writing; providing waiver and disclosure requirements; and  
6 providing a definition.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §46A-6-107a, to read as follows:

**ARTICLE 6. GENERAL CONSUMER PROTECTION.**

**§46A-6-107a. Disclaimer of warranties for used manufactured homes.**

1 Notwithstanding the provisions of section one hundred seven of this article, a consumer  
2 who purchases a used manufactured home may waive a warranty for a particular defect or  
3 malfunction which the merchant has disclosed in writing to the consumer. The waiver is not  
4 effective unless the waiver:

5 (1) Is in writing;

6 (2) Is conspicuous and is in plain language;

7 (3) Identifies with particularity the disclosed defect or malfunction in the used  
8 manufactured home for which the warranty is to be waived;

9 (4) Describes any additional defects or malfunctions, if any, disclosed to the merchant by  
10 a previous owner of the used manufactured home or discoverable by the merchant after an  
11 inspection of the used manufactured home;

12 (5) States that the warranty being waived applies only to the disclosed defect or  
13 malfunction; and

- 14            (6) Is signed by both the consumer and the merchant before the sales contract is executed.
- 15            For purposes of this section, “used manufactured home” means a manufactured home, as
- 16 defined in section two, article nine, chapter twenty-one of this code, that is more than four years
- 17 old from its date of production and has previously been occupied, used or sold for purposes other
- 18 than resale.

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