

WEST VIRGINIA CODE: §46b-2-4

§46B-2-4. Implied warranty of merchantability.

(a) A warranty that the consumer goods will be merchantable is implied in every contract for the rental of consumer goods if the dealer is a merchant with respect to consumer goods of that kind.

(b) Consumer goods to be merchantable must be at least such as:

- (1) Pass without objection in the trade under the description in the rental agreement;
- (2) Are fit for the ordinary purposes for which consumer goods of that type are used; and
- (3) Conform to any promises or affirmations of fact made on the container or label.

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