WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED
Com. Sub. For
HOUSE BILL No. 2238

(By Delegate _____________________________)

Passed ________________________________ 1987

In Effect Ninety Days From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2238
(By Delegate Murphy)

[Passed March 14, 1987; in effect ninety days from passage.]

AN ACT to amend and reenact section one hundred eight, article six, chapter forty-six-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to breach of warranty and the abolishment of the requirement of privity generally; requiring a manufacturer to honor a warranty where the merchant has failed to comply with or register a warranty; and providing for a cause of action against a manufacturer when a merchant or repairperson has replaced or repaired goods under warranty.

Be it enacted by the Legislature of West Virginia:

That section one hundred eight, article six, chapter forty-six-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. GENERAL CONSUMER PROTECTION.

§46A-6-108. Breach of warranty; privity abolished.

1 (a) Notwithstanding any other provision of law to the contrary, no action by a consumer for breach of warranty or for negligence with respect to goods subject to a consumer transaction shall fail because of a lack of
privity between the consumer and the party against whom the claim is made. An action against any person for breach of warranty or for negligence with respect to goods subject to a consumer transaction shall not of itself constitute a bar to the bringing of an action against another person.

(b) Notwithstanding any other provision of law to the contrary with respect to goods which are the subject of or intended to become the subject of a consumer transaction, no manufacturer may fail to honor a manufacturer's warranty if the consumer has complied with applicable warranty registration provisions but the merchant from whom such goods were purchased has not complied with or registered the warranty, and in such case the manufacturer shall honor the warranty.

(c) When a merchant or manufacturer has failed to honor a warranty which is valid under the laws of this state and which the manufacturer is bound to honor, if the goods have been replaced or repaired by the merchant or a repairperson, as the case may be, such merchant, repairperson or consumer, in addition to any other remedy provided by law, shall have a cause of action against the manufacturer for the reasonable cost of such replacement or repair.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within appeared this the 1st day of April, 1987.

Governor