

HOUSE BILL NO. 1878

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

4213H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to product warranties.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.975, to read as follows:

407.975. 1. As used in this section, the following terms mean:

2 **(1) "Consumer", any person:**

3 **(a) Who is the purchaser of an HVAC product if purchased from an HVAC-**
4 **product manufacturer or dealer for purposes other than resale;**

5 **(b) To whom an HVAC product is transferred for purposes other than resale if the**
6 **transfer occurs before the expiration of an express warranty applicable to the HVAC**
7 **product; or**

8 **(c) Who may enforce the express warranty;**

9 **(2) "Express warranty", any written affirmation of the fact or promise made by**
10 **a manufacturer to a consumer in connection with the sale of a new HVAC product that the**
11 **material or workmanship of the HVAC product shall meet a specified level of performance**
12 **over a specified period of time;**

13 **(3) "HVAC product", any heating, ventilating, or air conditioning equipment used**
14 **to heat or cool buildings. "HVAC product" shall not include any portable or temporary**
15 **heating or air conditioning products and shall not include any equipment that ventilates**
16 **without a heating or cooling function;**

17 **(4) "Nonconformity", a condition or defect that substantially impairs the use,**
18 **value, or safety of an HVAC product and that is covered by an express warranty applicable**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 to the HVAC product or to a component of the HVAC product. "Nonconformity" shall
20 not include:

21 (a) A condition of the HVAC product that is the result of abuse, neglect, or
22 unauthorized modification or alteration of the HVAC product by a consumer;

23 (b) A condition of the HVAC product that is the result of normal use that may be
24 resolved through a fitting adjustment, preventive maintenance, or proper care;

25 (c) An alleged nonconformity that does not substantially impair the use, market
26 value, or safety of the HVAC product; or

27 (d) A claim by a consumer that is not in good faith.

28 2. A manufacturer that sells an HVAC product to a consumer, either directly or
29 through a dealer, shall furnish the consumer with an express warranty for the HVAC
30 product. The duration of the express warranty shall be no less than one year after
31 installation of the HVAC product. In the absence of an express warranty from the
32 manufacturer, the manufacturer shall be deemed to have expressly warranted to the
33 consumer of an HVAC product that, for a period of one year from the date of installation,
34 the HVAC product shall be free from any nonconformity.

35 3. A nonconformity shall be repaired at no charge to the consumer if:

36 (1) The new HVAC product does not conform to an applicable express warranty;

37 (2) The consumer reports the nonconformity to the manufacturer or an authorized
38 dealer of the manufacturer; and

39 (3) The consumer makes the HVAC product available for repair before expiration
40 of the express warranty.

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