

(ii) include a comparative analysis and compartmentation using fire resistive materials and compartmentation using noncombustible materials.

(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed \$750,000. The study shall commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after October 26, 1992.

(h) Relation to other requirements

In the implementation of this section, the process for meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefor.

(Pub. L. 93-498, §31, as added Pub. L. 102-522, title I, §106(a), Oct. 26, 1992, 106 Stat. 3412; amended Pub. L. 103-254, §6, May 19, 1994, 108 Stat. 682.)

REFERENCES IN TEXT

The National Housing Act, referred to in subsec. (a)(5)(B), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, which is classified principally to chapter 13 (§1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see References in Text note set out under section 1701 of Title 12 and Tables.

AMENDMENTS

1994—Subsec. (c)(1)(A). Pub. L. 103-254, §6(1), substituted “Except as otherwise provided in this paragraph, no Federal” for “No Federal”.

Subsec. (c)(1)(C), (D). Pub. L. 103-254, §6(2), added subpars. (C) and (D).

EFFECTIVE DATE

Section 106(b) of Pub. L. 102-522 provided that: “Subsection (b) of section 31 of the Federal Fire Prevention and Control Act of 1974 [15 U.S.C. 2227], as added by subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act [Oct. 26, 1992].”

§ 2228. CPR training

No funds shall be made available to a State or local government under section 2221 of this title unless such government has a policy to actively promote the training of its firefighters in cardiopulmonary resuscitation.

(Pub. L. 93-498, §32, as added Pub. L. 103-254, §5, May 19, 1994, 108 Stat. 682.)

CHAPTER 50—CONSUMER PRODUCT WARRANTIES

- Sec. 2301. Definitions.
- 2302. Rules governing contents of warranties.
 - (a) Full and conspicuous disclosure of terms and conditions; additional requirements for contents.

- Sec. (b) Availability of terms to consumer; manner and form for presentation and display of information; duration; extension of period for written warranty or service contract.
- (c) Prohibition on conditions for written or implied warranty; waiver by Commission.
- (d) Incorporation by reference of detailed substantive warranty provisions.
- (e) Applicability to consumer products costing more than \$5.
- 2303. Designation of written warranties.
 - (a) Full (statement of duration) or limited warranty.
 - (b) Applicability of requirements, standards, etc., to representations or statements of customer satisfaction.
 - (c) Exemptions by Commission.
 - (d) Applicability to consumer products costing more than \$10 and not designated as full warranties.
- 2304. Federal minimum standards for warranties.
 - (a) Remedies under written warranty; duration of implied warranty; exclusion or limitation on consequential damages for breach of written or implied warranty; election of refund or replacement.
 - (b) Duties and conditions imposed on consumer by warrantor.
 - (c) Waiver of standards.
 - (d) Remedy without charge.
 - (e) Incorporation of standards to products designated with full warranty for purposes of judicial actions.
- 2305. Full and limited warranting of a consumer product.
- 2306. Service contracts; rules for full, clear and conspicuous disclosure of terms and conditions; addition to or in lieu of written warranty.
- 2307. Designation of representatives by warrantor to perform duties under written or implied warranty.
- 2308. Implied warranties.
 - (a) Restrictions on disclaimers or modifications.
 - (b) Limitation on duration.
 - (c) Effectiveness of disclaimers, modifications, or limitations.
- 2309. Procedures applicable to promulgation of rules by Commission.
 - (a) Oral presentation.
 - (b) Warranties and warranty practices involved in sale of used motor vehicles.
- 2310. Remedies in consumer disputes.
 - (a) Informal dispute settlement procedures; establishment; rules setting forth minimum requirements; effect of compliance by warrantor; review of informal procedures or implementation by Commission; application to existing informal procedures.
 - (b) Prohibited acts.
 - (c) Injunction proceedings by Attorney General or Commission for deceptive warranty, noncompliance with requirements, or violating prohibitions; procedures; definitions.
 - (d) Civil action by consumer for damages, etc.; jurisdiction; recovery of costs and expenses; cognizable claims.
 - (e) Class actions; conditions; procedures applicable.
 - (f) Warrantors subject to enforcement of remedies.

- Sec.
2311. Applicability to other laws.
 (a) Federal Trade Commission Act and Federal Seed Act.
 (b) Rights, remedies, and liabilities.
 (c) State warranty laws.
 (d) Other Federal warranty laws.
2312. Effective dates.
 (a) Effective date of chapter.
 (b) Effective date of section 2302(a).
 (c) Promulgation of rules.

§ 2301. Definitions

For the purposes of this chapter:

(1) The term “consumer product” means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed).

(2) The term “Commission” means the Federal Trade Commission.

(3) The term “consumer” means a buyer (other than for purposes of resale) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty (or service contract) applicable to the product, and any other person who is entitled by the terms of such warranty (or service contract) or under applicable State law to enforce against the warrantor (or service contractor) the obligations of the warranty (or service contract).

(4) The term “supplier” means any person engaged in the business of making a consumer product directly or indirectly available to consumers.

(5) The term “warrantor” means any supplier or other person who gives or offers to give a written warranty or who is or may be obligated under an implied warranty.

(6) The term “written warranty” means—

(A) any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time, or

(B) any undertaking in writing in connection with the sale by a supplier of a consumer product to refund, repair, replace, or take other remedial action with respect to such product in the event that such product fails to meet the specifications set forth in the undertaking,

which written affirmation, promise, or undertaking becomes part of the basis of the bargain between a supplier and a buyer for purposes other than resale of such product.

(7) The term “implied warranty” means an implied warranty arising under State law (as modified by sections 2308 and 2304(a) of this title) in connection with the sale by a supplier of a consumer product.

(8) The term “service contract” means a contract in writing to perform, over a fixed period of time or for a specified duration, serv-

ices relating to the maintenance or repair (or both) of a consumer product.

(9) The term “reasonable and necessary maintenance” consists of those operations (A) which the consumer reasonably can be expected to perform or have performed and (B) which are necessary to keep any consumer product performing its intended function and operating at a reasonable level of performance.

(10) The term “remedy” means whichever of the following actions the warrantor elects:

- (A) repair,
- (B) replacement, or
- (C) refund;

except that the warrantor may not elect refund unless (i) the warrantor is unable to provide replacement and repair is not commercially practicable or cannot be timely made, or (ii) the consumer is willing to accept such refund.

(11) The term “replacement” means furnishing a new consumer product which is identical or reasonably equivalent to the warranted consumer product.

(12) The term “refund” means refunding the actual purchase price (less reasonable depreciation based on actual use where permitted by rules of the Commission).

(13) The term “distributed in commerce” means sold in commerce, introduced or delivered for introduction into commerce, or held for sale or distribution after introduction into commerce.

(14) The term “commerce” means trade, traffic, commerce, or transportation—

- (A) between a place in a State and any place outside thereof, or
- (B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(15) The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, or American Samoa. The term “State law” includes a law of the United States applicable only to the District of Columbia or only to a territory or possession of the United States; and the term “Federal law” excludes any State law.

(Pub. L. 93-637, title I, §101, Jan. 4, 1975, 88 Stat. 2183.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in par. (15), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

SHORT TITLE

Section 1 of Pub. L. 93-637 provided: “That this act [enacting this chapter and sections 57a to 57c of this title, amending sections 45, 46, 49, 50, 52, 56, and 58 of this title, and enacting provisions set out as notes under sections 45, 56, 57a, and 57b of this title] may be cited as the ‘Magnuson-Moss Warranty—Federal Trade Commission Improvement Act.’”