

Sec. 5. This act is effective upon its approval by the governing body of the county of Lake, and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 23, 1974.

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**CHAPTER 231—S.F.No.3159**  
[Coded]

*An act relating to mobile homes; providing for warranties on the sale of new mobile homes; prohibiting limitation of warranties; requiring honoring of warranties.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[327.51] MOBILE HOMES; WARRANTIES; DEFINITIONS.** Subdivision 1. As used in sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. "Buyer" means a person who buys or contracts to buy a mobile home from a person engaged in the business of manufacturing, distributing, or selling mobile homes at retail.

Subd. 3. "Dealer" means a person, partnership, association, or corporation licensed as a mobile home dealer under Minnesota Statutes, Section 168.27.

Subd. 4. "Implied warranty of merchantability" means a warranty as defined by Minnesota Statutes, Section 336.2-314.

Subd. 5. "Implied warranty of fitness for particular purpose" means a warranty as defined by Minnesota Statutes, Section 336.2-315.

Subd. 6. "Express warranty" means a warranty as defined by Minnesota Statutes, Section 336.2-313.

Subd. 7. "Manufacturer" means any person, partnership, association, or corporation which manufactures, assembles, or produces mobile homes.

Subd. 8. "Mobile home" has the meaning specified in Minnesota Statutes, Section 327.31, Subdivision 6.

Subd. 9. "New mobile home" means a mobile home which is purchased for the first time other than for purposes of resale.

Subd. 10. "Sale" means

Changes or additions indicated by underline deletions by ~~strikeout~~

(a) The passing of title from a seller to a buyer for a price; or

(b) Any agreement to sell under which possession is delivered to the buyer but title is retained in the seller; or

(c) Any agreement in the form of a bailment or lease of goods if the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee or lessee will become, or for no other than a nominal consideration has the option to become, the owner of the goods upon full compliance with his obligations under the agreement.

Subd. 11. "Seller" means any manufacturer or dealer who engages in the sale of any new mobile home to a buyer.

**Sec. 2. [327.52] IMPLIED WARRANTIES.** Subdivision 1. Every sale of a new mobile home in this state shall be accompanied by an implied warranty that the mobile home conforms in all material aspects to applicable federal or state laws and regulations establishing standards of safety or quality, and by implied warranties of merchantability and fitness for particular purpose.

Subd. 2. Nothing in this section shall affect the right of the manufacturer or dealer to make express warranties with respect to a mobile home. However, a manufacturer or dealer making express warranties may not limit, modify or disclaim the implied warranties guaranteed by this section.

**Sec. 3. [327.53] LIMITATION, EXCLUSION OR MODIFICATION OF WARRANTY.** Any language, oral or written, used by a seller of a new mobile home which attempts to exclude or modify any rights under the implied warranties guaranteed by section 2 shall be unenforceable.

**Sec. 4. [327.54] HONORING OF WARRANTIES; DURATION.** Subdivision 1. It shall be the duty of the manufacturer and dealer, jointly and severally to service or repair within a reasonable time a mobile home at the site of the mobile home in an instance in which a warranty, express or implied, is breached provided the buyer permits reasonable opportunity for repair or service.

Subd. 2. The implied warranties guaranteed by section 2 shall be for a period of one year from the date of delivery. Notice of breach of any implied warranty shall be given in writing no later than ninety days after the expiration of the warranty.

Approved March 23, 1974.

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