

(1) If the buyer, expressly or by implication makes known to the seller the particular purpose for which the improvements are required, and it appears that the buyer relies on the seller's skill and judgment, there is an implied warranty that the improvement shall be reasonably fit for such purpose.

(2) If the improvement is bought by description or sample, there is an implied warranty that the improvement shall be of workmanlike quality and shall correspond to the description or sample.

(3) The warranties in (1) and (2) shall inure to the original purchaser, his heirs, personal representatives and assigns.

(b) As used in this section :

(1) 'Buyer' means the original purchaser of improved realty, and the heirs, personal representatives, and assigns of the original purchaser.

(2) 'Seller' means any person or corporation whose business it is to erect or otherwise create an improvement upon realty, or to whom a completed improvement has been conveyed for resale in the course of his (its) business.

(3) 'Improvement' includes all fixtures and structures attached to realty.

(4) 'Realty' includes both freehold and redeemable leasehold estates.

(c) No act or agreement of the buyer before, at the time of, or after, the making of a contract for the purchase of newly constructed improvements on realty, nor any agreement or statement by the buyer in such contract, constitutes a valid waiver of the provisions of subsection (a)."

Which amendment was read and rejected.

Amendment No. 4—In line 1 of Section 2 on page 2 of the printed bill, immediately following "Sec." delete the figure "2" and insert in lieu thereof the figure "3".

Which amendment was read and rejected.

Read the second time and ordered printed for third reading.

Two-thirds of all the Senators-elect, voting in the affirmative, the rules were suspended by yeas and nays as follows, and bill put upon its third reading and final passage.

Affirmative

Senators—

Mr. President, Anderson, Azrael, Bailey, Bertier, Bishop, Byron, Clark, Connolly, Conroy, Cook, Crawford, Curran, Emanuel, Finney, Freidler, Gore, Hall, Hart, Hoyer, Hughes, Lapidés, McGuirk, Mitchell, Nock, Pine, Schweinhaut, Smelser, Snyder, Staten, Steinberg, Steffey, Welcome, Wineland. Total—34

Negative

Senators—

Bertorelli, Brubaker, Dean, Hodges, Malkus, McCourt, Staszak, Stone. Total—8

Read the third time and passed by yeas and nays as follows:

Affirmative

Senators—

Mr. President, Anderson, Bailey, Bertier, Bishop, Byron, Clark, Connolly, Conroy, Cook, Crawford, Curran, Emanuel, Finney, Freidler, Gore, Hall, Hart, Hoyer, Hughes, Lapidés, McGuirk, Mitchell, Nock, Pine, Schweinhaut, Snyder, Staten, Steinberg, Steffey, Welcome, Wineland. Total—32