

IS PART OF THE BASIS OF THE BARGAIN BETWEEN THEM:

(i) A WRITTEN AFFIRMATION OF FACT OR WRITTEN PROMISE WHICH RELATES TO THE NATURE OF THE MATERIAL OR WORKMANSHIP AND AFFIRMS OR PROMISES THAT THE MATERIAL OR WORKMANSHIP IS DEFECT-FREE OR MEETS A SPECIFIED LEVEL OF PERFORMANCE; OR

(ii) A WRITTEN UNDERTAKING TO REFUND, REPAIR, REPLACE, OR TAKE OTHER REMEDIAL ACTION WITH RESPECT TO THE CONSUMER PRODUCT IF IT PROVES DEFECTIVE IN MATERIAL OR WORKMANSHIP OR FAILS TO MEET A SPECIFIED LEVEL OF PERFORMANCE.

(2) "GUARANTY" INCLUDES WARRANTY.

(3) "GUARANTY" DOES NOT INCLUDE A WRITTEN STATEMENT OR EXPRESSION OF GENERAL POLICY CONCERNING CUSTOMER SATISFACTION WHICH IS NOT SUBJECT TO SPECIFIED LIMITATIONS.

REVISOR'S NOTE: This subsection presently appears as Art. 83, §169(e).

In paragraph (2) of this subsection, the phrase "and to guaranty is to warrant" is deleted as unnecessary.

The only other changes are in style.

(E) PERSON.

"PERSON" INCLUDES AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, ASSOCIATION, TWO OR MORE PERSONS HAVING A JOINT OR COMMON INTEREST, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

REVISOR'S NOTE: This subsection is new language setting forth a broad, standardized definition of the word "person" as used in this article. It is a synthesis of the U.C.C. definitions of "person" and "organization" contained in §1-201 (28) and (30) of this article, except that the reference to "government or governmental subdivision or agency" is not included. This definition is in no way intended to change the present law, merely to clarify it.

(F) PERSON GUARANTEED.

"PERSON GUARANTEED" MEANS:

(1) THE PERSON WHO IS THE FIRST BUYER AT