

(2) HAS NOT ALTERED THE FLAMMABILITY OF THE PRODUCT, FABRIC, OR RELATED MATERIAL COVERED BY THE GUARANTY; AND

(3) REASONABLY AND IN GOOD FAITH RELIES ON THE GUARANTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, §§ 892(b) and 893.

In subsection (a) of this section, "separate guaranty" is substituted for "specific guaranty" for clarity and to conform to terminology used in the federal Flammable Products Act. See 15 U.S.C. § 1197.

In subsection (d)(3) of this section, the reasonable and good faith reliance element of former Article 43, § 893(c) is revised to apply both to providing a false guaranty and to the manufacture and sale of nonconforming products. A literal reading of former Article 43, § 893 would have made this element applicable only to providing a false guaranty; however, it seems clear that the General Assembly actually intended that reasonable and good faith reliance are required for a person to be excepted from any of the prohibitions in subsections (b) and (c) of this section.

The General Assembly may wish to consider substituting "increased" for "altered" in subsection (d)(2) of this section. The General Assembly may not have intended that a person whose actions reduce the flammability of a product should not be allowed to rely on a guaranty from the manufacturer or seller.

#### 6-207. PENALTY.

A PERSON WHO WILLFULLY VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 897.

The only changes are in style.

#### SUBTITLE 3. LEAD-BASED PAINT.

##### 6-301. USE OF LEAD-BASED PAINT PROHIBITED.