

(II) "MANUFACTURER" INCLUDES AN ENTITY NOT OTHERWISE A MANUFACTURER THAT IMPORTS A PRODUCT OR OTHERWISE HOLDS ITSELF OUT AS A MANUFACTURER.

(3) "PRODUCT" MEANS ANY TANGIBLE ARTICLE, INCLUDING ATTACHMENTS, ACCESSORIES, AND COMPONENT PARTS AND ACCOMPANYING LABELS, WARNINGS, INSTRUCTIONS, AND PACKAGING.

(4) "SEALED CONTAINER" MEANS A BOX, CONTAINER, PACKAGE, WRAPPING, ENCASUREMENT, OR HOUSING OF ANY NATURE THAT COVERS A PRODUCT SO THAT IT WOULD BE UNREASONABLE TO EXPECT A SELLER TO DETECT OR DISCOVER THE EXISTENCE OF A DANGEROUS OR DEFECTIVE CONDITION IN THE PRODUCT. A PRODUCT SHALL BE DEEMED TO BE IN A SEALED CONTAINER IF THE PRODUCT, BY ITS NATURE AND DESIGN, IS ENCASED OR SOLD IN ANY OTHER MANNER MAKING IT UNREASONABLE TO EXPECT A SELLER TO DETECT OR DISCOVER THE EXISTENCE OF A DANGEROUS OR DEFECTIVE CONDITION.

(5) (I) "SELLER" MEANS A WHOLESALER, DISTRIBUTOR, RETAILER, OR OTHER INDIVIDUAL OR ENTITY OTHER THAN A MANUFACTURER THAT IS REGULARLY ENGAGED IN THE SELLING OF A PRODUCT WHETHER THE SALE IS FOR RESALE BY THE PURCHASER OR IS FOR USE OR CONSUMPTION BY THE ULTIMATE CONSUMER.

(II) "SELLER" INCLUDES A LESSOR OR BAILOR REGULARLY ENGAGED IN THE BUSINESS OF THE LEASE OR BAILMENT OF THE PRODUCT.

(B) IT SHALL BE AN-AFFIRMATIVE A DEFENSE TO AN ACTION AGAINST A SELLER OF A PRODUCT FOR PROPERTY DAMAGE OR PERSONAL INJURY ALLEGEDLY CAUSED BY THE DEFECTIVE DESIGN OR MANUFACTURE OF A PRODUCT IF THE SELLER ESTABLISHES THAT:

(1) ~~(i)~~ THE PRODUCT WAS ACQUIRED AND THEN SOLD OR LEASED BY THE SELLER IN A SEALED CONTAINER OR IN AN UNALTERED FORM;

~~(ii)~~ (2) THE SELLER HAD NO KNOWLEDGE OF THE DEFECT;

~~(iii)~~ (3) THE SELLER IN THE PERFORMANCE OF THE DUTIES HE PERFORMED OR WHILE THE PRODUCT WAS IN HIS POSSESSION COULD NOT HAVE DISCOVERED THE DEFECT WHILE EXERCISING REASONABLE CARE;

~~(iv)~~ (4) THE SELLER DID NOT MANUFACTURE, PRODUCE, DESIGN, OR DESIGNATE THE SPECIFICATIONS FOR THE PRODUCT WHICH CONDUCT WAS THE PROXIMATE AND SUBSTANTIAL CAUSE OF THE CLAIMANT'S INJURY; AND

~~(v)~~ (5) THE SELLER DID NOT ALTER, MODIFY, ASSEMBLE, OR MISHANDLE THE PRODUCT WHILE IN THE SELLER'S