

2A-212. IMPLIED WARRANTY OF MERCHANTABILITY

(1) EXCEPT IN A FINANCE LEASE, A WARRANTY THAT THE GOODS WILL BE MERCHANTABILITY IS IMPLIED IN A LEASE CONTRACT IF THE LESSOR IS A MERCHANT WITH RESPECT TO GOODS OF THAT KIND.

(2) GOODS TO BE MERCHANTABILITY MUST BE AT LEAST SUCH AS

(A) PASS WITHOUT OBJECTION IN THE TRADE UNDER THE DESCRIPTION IN THE LEASE AGREEMENT;

(B) IN THE CASE OF FUNGIBLE GOODS, ARE OF FAIR AVERAGE QUALITY WITHIN THE DESCRIPTION;

(C) ARE FIT FOR THE ORDINARY PURPOSE FOR WHICH GOODS OF THAT TYPE ARE USED;

(D) RUN, WITHIN THE VARIATION PERMITTED BY THE LEASE AGREEMENT, OF EVEN KIND, QUALITY, AND QUANTITY WITHIN EACH UNIT AND AMONG ALL UNITS INVOLVED;

(E) ARE ADEQUATELY CONTAINED, PACKAGED, AND LABELED AS THE LEASE AGREEMENT MAY REQUIRE; AND

(F) CONFORM TO ANY PROMISES OR AFFIRMATIONS OF FACT MADE ON THE CONTAINER OR LABEL.

(3) OTHER IMPLIED WARRANTIES MAY ARISE FROM COURSE OF DEALING OR USAGE OF TRADE.

2A-213. IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE

EXCEPT IN A FINANCE LEASE, IF THE LESSOR AT THE TIME THE LEASE CONTRACT IS MADE HAS REASON TO KNOW OF ANY PARTICULAR PURPOSE FOR WHICH THE GOODS ARE REQUIRED AND THAT THE LESSEE IS RELYING ON THE LESSOR'S SKILL OR JUDGMENT TO SELECT OR FURNISH SUITABLE GOODS, THERE IS IN THE LEASE CONTRACT AN IMPLIED WARRANTY THAT THE GOODS WILL BE FIT FOR THAT PURPOSE.

2A-214. EXCLUSION OR MODIFICATION OF WARRANTIES

(1) WORDS OR CONDUCT RELEVANT TO THE CREATION OF AN EXPRESS WARRANTY AND WORDS OR CONDUCT TENDING TO NEGATE OR LIMIT A WARRANTY MUST BE CONSTRUED WHEREVER REASONABLE AS CONSISTENT WITH EACH OTHER; BUT, SUBJECT TO THE PROVISIONS OF § 2A-202 ON PAROL OR EXTRINSIC EVIDENCE, NEGATION OR LIMITATION IS INOPERATIVE TO THE EXTENT THAT THE CONSTRUCTION IS UNREASONABLE.

(2) SUBJECT TO SUBSECTION (3), TO EXCLUDE OR MODIFY THE IMPLIED WARRANTY OF MERCHANTABILITY OR ANY PART OF IT, THE LANGUAGE MUST MENTION "MERCHANTABILITY", BE BY A WRITING, AND BE CONSPICUOUS. SUBJECT TO SUBSECTION (3), TO EXCLUDE OR MODIFY ANY IMPLIED WARRANTY OF FITNESS, THE EXCLUSION MUST BE BY A WRITING AND BE CONSPICUOUS. LANGUAGE TO