

(D) THE WARRANTY UNDER THIS SECTION IS NOT SUBJECT TO THE PRECLUSION IN § 21-113(A)(1) OF THIS TITLE ON DISCLAIMING DILIGENCE, REASONABLENESS, OR CARE.

21-406. DISCLAIMER OR MODIFICATION OF WARRANTY.

(A) WORDS OR CONDUCT RELEVANT TO THE CREATION OF AN EXPRESS WARRANTY AND WORDS OR CONDUCT TENDING TO DISCLAIM OR MODIFY AN EXPRESS WARRANTY MUST BE CONSTRUED WHEREVER REASONABLE AS CONSISTENT WITH EACH OTHER. SUBJECT TO § 21-301 OF THIS TITLE WITH REGARD TO PAROL OR EXTRINSIC EVIDENCE, THE DISCLAIMER OR MODIFICATION IS INOPERATIVE TO THE EXTENT THAT SUCH CONSTRUCTION IS UNREASONABLE.

(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (C), (D), AND (E) OF THIS SECTION, TO DISCLAIM OR MODIFY AN IMPLIED WARRANTY OR ANY PART OF IT, BUT NOT THE WARRANTY IN § 21-401 OF THIS SUBTITLE, THE FOLLOWING RULES APPLY:

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION:

(A) TO DISCLAIM OR MODIFY THE IMPLIED WARRANTY ARISING UNDER § 21-403 OF THIS SUBTITLE, LANGUAGE MUST MENTION "MERCHANTABILITY" OR "QUALITY" OR USE WORDS OF SIMILAR IMPORT AND, IF IN A RECORD, MUST BE CONSPICUOUS.

(B) TO DISCLAIM OR MODIFY THE IMPLIED WARRANTY ARISING UNDER § 21-404 OF THIS SUBTITLE, LANGUAGE IN A RECORD MUST MENTION "ACCURACY" OR USE WORDS OF SIMILAR IMPORT.

(2) LANGUAGE TO DISCLAIM OR MODIFY THE IMPLIED WARRANTY ARISING UNDER § 21-405 OF THIS SUBTITLE MUST BE IN A RECORD AND BE CONSPICUOUS. IT IS SUFFICIENT TO STATE "THERE IS NO WARRANTY THAT THIS INFORMATION, OUR EFFORTS, OR THE SYSTEM WILL FULFILL ANY OF YOUR PARTICULAR PURPOSES OR NEEDS", OR WORDS OF SIMILAR IMPORT.

(3) LANGUAGE IN A RECORD IS SUFFICIENT TO DISCLAIM ALL IMPLIED WARRANTIES IF IT INDIVIDUALLY DISCLAIMS EACH IMPLIED WARRANTY OR, EXCEPT FOR THE WARRANTY IN § 21-401 OF THIS SUBTITLE, IF IT IS CONSPICUOUS AND STATES "EXCEPT FOR EXPRESS WARRANTIES STATED IN THIS CONTRACT, IF ANY, THIS 'INFORMATION'/COMPUTER PROGRAM' IS PROVIDED WITH ALL FAULTS, AND THE ENTIRE RISK AS TO SATISFACTORY QUALITY, PERFORMANCE, ACCURACY, AND EFFORT IS WITH THE USER", OR WORDS OF SIMILAR IMPORT.

(4) A DISCLAIMER OR MODIFICATION SUFFICIENT UNDER TITLE 2 OR TITLE 2A OF THIS ARTICLE TO DISCLAIM OR MODIFY AN IMPLIED WARRANTY OF MERCHANTABILITY IS SUFFICIENT TO DISCLAIM OR MODIFY THE WARRANTIES UNDER §§ 21-403 AND 21-404 OF THIS SUBTITLE. A DISCLAIMER OR MODIFICATION SUFFICIENT UNDER TITLE 2 OR TITLE 2A OF THIS ARTICLE TO DISCLAIM OR MODIFY AN IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE IS SUFFICIENT TO DISCLAIM OR MODIFY THE WARRANTIES UNDER § 21-405 OF THIS SUBTITLE.