

Moved by Armstrong

Seconded by Gannon

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO S.B. NO. 1077, As Amended

AMENDMENT TO SECTION 2

1  
2 On page 7 of the engrossed bill, in line 8, delete "create a separate  
3 civil cause of action" and insert: "preclude a person from pursuing a pri-  
4 vate cause of action under chapter 6, title 48, Idaho Code".

AMENDMENT TO SECTION 3

5  
6 On page 11, in line 33, delete "create a separate civil cause of action"  
7 and insert: "preclude a person from pursuing a private cause of action under  
8 chapter 6, title 48, Idaho Code".

AMENDMENT TO THE BILL

9  
10 On page 11, following line 33, insert:

11 "SECTION 4. That Section 41-114A, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 41-114A. SERVICE CONTRACTS. (1) The term "service contract," as used  
14 in this section, means a contract or agreement for a separately stated con-  
15 sideration for a specific duration to perform the repair, replacement or  
16 maintenance of property or to reimburse, in whole or in part, the owner of  
17 such property for the repair, replacement or maintenance of property if an  
18 operational or structural failure is due to a defect in materials or manufac-  
19 turing or to normal wear and tear. A service contract may contain a provision  
20 for incidental payment under such contract where service, repair or replace-  
21 ment is not feasible or economical. Service contracts, other than motor  
22 vehicle service contracts subject to the provisions of the Idaho motor vehi-  
23 cle service contract act, chapter ~~2862~~, title ~~491~~, Idaho Code, may provide  
24 for the repair, replacement or maintenance of property for damage resulting  
25 from power surges and accidental damage from handling.

26 (2) The marketing, sale, offering for sale, issuance, making, propos-  
27 ing to make, and administration of a service contract is exempt from the pro-  
28 visions of title 41, Idaho Code.

29 (3) Service contracts shall be subject to the provisions of the Idaho  
30 consumer protection act, chapter 6, title 48, Idaho Code.

31 SECTION 5. That Section 48-605, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 48-605. EXCEPTIONS TO CHAPTER. Nothing in this act shall apply to:

1 (1) Actions or transactions permitted under laws administered by the  
2 state public utility commission or other regulatory body or officer acting  
3 under statutory authority of this state or the United States.

4 (2) Acts done by publishers, broadcasters, printers, retailers, or  
5 their employees, in the publication or dissemination of an advertisement in  
6 good faith on the basis of information or material supplied by others and  
7 without knowledge or reason to know of the misleading or deceptive character  
8 of such advertisement or the information or material furnished.

9 (3) Persons subject to chapter 13, title 41, Idaho Code (sections  
10 41-1301 through 41-1327), defining, and providing for the determination by  
11 the director of the department of insurance of unfair methods of competition  
12 or unfair or deceptive acts or practices in the business of insurance, except  
13 as specified in chapter 62 or 63, title 41, Idaho Code."

14 CORRECTION TO TITLE  
15 On page 1, in line 12, following "enforcement;" delete "AND"; and in line  
16 21, following "ENFORCEMENT" insert: "; AMENDING SECTION 41-114A, IDAHO  
17 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 48-605,  
18 IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCEPTIONS".