

## 2023 Kansas Statutes

**84-2a-212. Implied warranty of merchantability.** (1) Except in a finance lease, a warranty that the goods will be merchantable is implied in a lease contract if the lessor is a merchant with respect to goods of that kind.

(2) Goods to be merchantable 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 purposes 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.

**History:** L. 1991, ch. 295, § 21; February 1, 1992.