

§11-106. Inapplicability of other laws; exempt transactions

1. A rental-purchase agreement that complies with this Article is not considered or governed by the laws related to:

A. A "home solicitation sale" as defined in section 3-501; [PL 1991, c. 787 (NEW).]

B. A "consumer credit sale" as defined in section 1-301, subsection 11; except that the following sections of the Maine Consumer Credit Code apply: section 1-107, waiver, agreement to forego rights, settlement of claims; section 1-111, record retention; section 1-201, territorial application; section 1-202, exclusions; section 1-203, jurisdiction and service of process; section 2-507, attorney's fees and collection costs; section 3-202, notice to consumer; section 3-203, notice of assignment; section 3-305, no assignment of earnings; section 3-306, authorization to confess judgment prohibited; section 3-307, certain negotiable instruments prohibited; section 3-309, referral sales; section 3-403, assignee subject to defenses; section 5-104, no garnishment before judgment; section 5-105, limitation on garnishment; section 5-106, no discharge from employment for garnishment; section 5-112, creditor's right to take possession after default; section 5-113, venue; section 5-114, stay of enforcement of judgment; section 5-115, misrepresentation; section 5-116, illegal, fraudulent or unconscionable conduct in attempted collection of debts; section 5-117, prohibited practices; section 5-201, effect of violations on rights of parties; section 5-202, refunds and penalties as setoff to obligation; section 5-301, violations; Article VI in its entirety, except that the term "original unpaid balances arising from consumer credit transactions" described in section 6-203, subsection 2 means "gross rental receipts from rental-purchase agreements" for purposes of administration of this Article; Article 8-A requirements related to model forms; and Federal Truth in Lending Act, 15 United States Code, Section 1666a requirements related to credit reports; [PL 2011, c. 427, Pt. D, §15 (AMD).]

C. A "consumer lease" as defined in section 1-301, subsection 13; [PL 1991, c. 787 (NEW).]

D. A "sale of goods" as defined in section 1-301, subsection 33; or [PL 1991, c. 787 (NEW).]

E. A "security interest" as defined in Title 11, section 1-1201, subsection (35). [PL 2021, c. 676, Pt. A, §11 (AMD).]

[PL 2021, c. 676, Pt. A, §11 (AMD).]

2. This Article does not apply to:

A. A rental-purchase agreement made primarily for business, commercial or agricultural purposes or made with a governmental agency or instrumentality; [PL 1991, c. 787 (NEW).]

B. A lease of a safe-deposit box; [PL 1991, c. 787 (NEW).]

C. A lease or bailment of personal property that is incidental to the lease of real property and does not provide the consumer with an option to purchase the leased property; [PL 1991, c. 787 (NEW).]

D. A lease of an automobile; or [PL 1991, c. 787 (NEW).]

E. A lease of real estate. [PL 1991, c. 787 (NEW).]

[PL 1991, c. 787 (NEW).]

SECTION HISTORY

PL 1991, c. 787 (NEW). PL 2011, c. 427, Pt. D, §15 (AMD). PL 2021, c. 676, Pt. A, §11 (AMD).

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