

523C.16 Exclusions.

This chapter does not apply to any of the following and the following do not constitute the practice of insurance:

1. A performance guarantee given by a builder of a residence or the manufacturer or seller or lessor of residential property if no identifiable charge is made for the guarantee.
2. A residential service contract, guarantee or warranty between a residential customer and a service company which will perform the work itself and not through subcontractors for the service, repair or replacement of residential property, appliances, or electrical, plumbing, heating, cooling or air-conditioning systems.
3. A contract between a service company issuing residential service contracts and a person who actually performs the maintenance, repairs, or replacements of structural components, or appliances, or electrical, plumbing, heating, cooling, or air-conditioning systems, if someone other than the service company actually performs these functions.
4. A residential service contract, guarantee or warranty issued by a retail merchant to a retail customer, guaranteeing or warranting the repair, service or replacement of appliances or electrical, plumbing, heating, cooling or air-conditioning systems sold by said retail merchant.
5. A residential service contract, guarantee, or warranty issued by a manufacturer, third party, or retail company, covering the repair, maintenance, or replacement of residential property, individual appliances, and other individual items of merchandise marketed and sold by a retail company, in the ordinary course of business.
6. A motor vehicle service contract issued by the manufacturer or importer of the motor vehicle covered by the service contract or to any third party acting in an administrative capacity on the manufacturer's behalf in connection with that service contract.
7. A residential service contract involving residential property containing more than four dwelling units.
8. A warranty.
9. A motor vehicle service contract issued, offered for sale, or sold to any person other than a consumer.
10. A maintenance agreement.

[83 Acts, ch 87, §17](#); [96 Acts, ch 1160, §10](#); [2019 Acts, ch 142, §12, 19](#)

Section amended