

HOUSE BILL No. 4947

June 27, 1989, Introduced by Rep. Perry Bullard and referred to the Committee on Consumers.

A bill to amend Act No. 299 of the Public Acts of 1980,
entitled
"Occupational code,"
as amended, being sections 339.101 to 339.2721 of the Michigan
Compiled Laws, by adding article 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 299 of the Public Acts of 1980, as
2 amended, being sections 339.101 to 339.2721 of the Michigan
3 Compiled Laws, is amended by adding article 32 to read as
4 follows:

ARTICLE 32.

6 SEC. 3201. AS USED IN THIS ARTICLE:

7 (A) "APPLIANCE" MEANS A REFRIGERATOR, FREEZER, OVEN, RANGE,
8 MICROWAVE OVEN, WASHER, DRYER, DISHWASHER, TRASH COMPACTOR, OR:

1 ROOM AIR CONDITIONER OR OTHER SIMILAR DEVICE THAT IS NORMALLY
2 USED OR SOLD FOR PERSONAL, FAMILY, OR HOUSEHOLD USE.

3 (B) "SERVICE DEALER" MEANS A PERSON WHO, FOR COMPENSATION,
4 ENGAGES OR OFFERS TO ENGAGE IN REPAIRING, SERVICING, OR MAINTAIN-
5 ING APPLIANCES.

6 SEC. 3203. THE DEPARTMENT SHALL PROMULGATE RULES AS NECES-
7 SARY TO IMPLEMENT THIS ARTICLE. BEFORE PROMULGATING RULES PURSU-
8 ANT TO THIS SECTION, THE DEPARTMENT SHALL CONSULT WITH SERVICE
9 DEALERS.

10 SEC. 3205. A PERSON SHALL NOT ACT AS A SERVICE DEALER OR
11 HOLD HIMSELF OR HERSELF OUT AS A SERVICE DEALER WITHOUT BEING
12 REGISTERED UNDER THIS ARTICLE.

13 SEC. 3207. THE DEPARTMENT SHALL ISSUE A SERVICE DEALER REG-
14 ISTRATION TO A PERSON WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

15 (A) IS 18 YEARS OF AGE OR OLDER.

16 (B) IS OF GOOD MORAL CHARACTER.

17 (C) MAINTAINS A PLACE OF BUSINESS IN THIS STATE.

18 SEC. 3209. THE DEPARTMENT SHALL RENEW THE REGISTRATION OF A
19 PERSON WHO IS REGISTERED UPON THE PERSON'S COMPLIANCE WITH
20 SECTION 204.

21 SEC. 3211. A SERVICE DEALER WHO COMMITS 1 OR MORE OF THE
22 FOLLOWING IS SUBJECT TO THE PENALTIES SET FORTH IN ARTICLE 6 OF
23 THIS ACT:

24 (A) MAKING OR AUTHORIZING A STATEMENT OR ADVERTISEMENT THAT
25 IS UNTRUE OR MISLEADING AND THAT IS KNOWN, OR THAT BY THE EXER-
26 CISE OF REASONABLE CARE SHOULD BE KNOWN, TO BE UNTRUE OR
27 MISLEADING.

1 (B) MAKING A FALSE PROMISE OF A CHARACTER LIKELY TO
2 INFLUENCE, PERSUADE, OR INDUCE A CUSTOMER TO AUTHORIZE THE
3 REPAIR, SERVICE, OR MAINTENANCE OF AN APPLIANCE.

4 (C) ACTING FOR MORE THAN 1 CUSTOMER IN A TRANSACTION WITHOUT
5 THE KNOWLEDGE OR CONSENT OF ALL PARTIES TO THE TRANSACTION.

6 (D) COMMITTING ANY OTHER ACT THAT CONSTITUTES FRAUD OR DIS-
7 HONEST DEALING.

8 (E) PROVIDING SERVICES IN AN INCOMPETENT OR NEGLIGENT
9 MANNER.

10 (F) FAILING IN A MATERIAL RESPECT TO COMPLY WITH THIS ARTI-
11 CLE OR RULES PROMULGATED UNDER THIS ARTICLE.

12 (G) WILLFULLY DEPARTING FROM OR DISREGARDING ACCEPTED TRADE
13 STANDARDS FOR GOOD AND WORKMANLIKE REPAIR.

14 SEC. 3213. (1) BEFORE REPAIRING, SERVICING, OR MAINTAINING
15 AN APPLIANCE, A SERVICE DEALER SHALL MAKE AN ESTIMATE OF THE COST
16 OF THE REPAIR, SERVICE, OR MAINTENANCE IN WRITING. AN ESTIMATE
17 PROVIDED TO A CUSTOMER BY A SERVICE DEALER SHALL INCLUDE PARTS
18 AND LABOR.

19 (2) A SERVICE DEALER SHALL NOT CHARGE FOR WORK DONE OR PARTS
20 SUPPLIED IN EXCESS OF THE ESTIMATE WITHOUT PREVIOUS CONSENT OF
21 THE CUSTOMER.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. 4948 (request
24 no. 02383'89 a) of the 85th Legislature is enacted into law.