

HOUSE BILL No. 5126

October 2, 1989, Introduced by Rep. Nye and referred to the Committee on Consumers.

A bill to amend section 3 of Act No. 449 of the Public Acts of 1976, entitled

"An act to regulate the pricing of consumer items and the advertising of consumer items, services, goods, merchandise, commodities, and real property; to prescribe the powers and duties of certain state and local officials in relation thereto; to provide remedies and penalties; and to repeal certain acts and parts of acts,"

being section 445.353 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 449 of the Public Acts of
2 1976, being section 445.353 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. (1) The total price of a consumer item displayed or
5 offered for sale at retail shall be clearly and conspicuously
6 indicated in arabic numerals, so as to be readable and
7 understandable by visual inspection, and shall be stamped upon or

1 affixed to the consumer item. If the consumer item is in a
2 package or container, the total price shall be stamped upon or
3 affixed to the outside surface of the package or container and
4 need not be placed directly upon the consumer item.

5 (2) The requirements of subsection (1) shall not apply to:

6 (a) A consumer item sold by weight or volume which is not in
7 a package or container.

8 (b) A consumer item sold in a coin operated vending
9 machine.

10 (c) Prepared food intended for immediate consumption, as
11 defined in section 4g of THE GENERAL SALES TAX ACT, Act No. 167
12 of the Public Acts of 1933, being section 205.54g of the Michigan
13 Compiled Laws.

14 (d) A consumer item purchased by mail or through catalog
15 order, or which is not otherwise visible for inspection by the
16 consumer at the time of the sale, and which is ordered or
17 requested by the consumer, if the price of the item is on the
18 consumer's written order or request or on a bill, invoice, or
19 other notice which describes or names the item and which is
20 enclosed with the item.

21 (e) An unpackaged food item.

22 (f) A consumer item which has a total weight of not more
23 than 3 ounces, a total volume of not more than 3 cubic inches,
24 and a total price of not more than 30 cents.

25 (g) Live plants.

26 (h) Live animals.

- 1 (i) Motor vehicles.
- 2 (j) Motor vehicle parts.
- 3 (k) Packages of 20 or fewer cigarettes.
- 4 (l) Greeting cards sold individually which have a readable
5 coded price on the back of the card.
- 6 (m) Merchandise ordered as a gift by a consumer which is
7 sent by mail or other delivery service to a person other than the
8 consumer by the retailer at the request of the consumer.
- 9 (N) IF THE PRICE IS CONSPICUOUSLY MARKED ON THE SHELF OR
10 CRATE WHERE THE ITEM IS LOCATED.
- 11 (O) IF THE RETAILER PROVIDES EACH CONSUMER WITH A PRICE
12 SHEET LISTING EACH ITEM NOT MARKED AS REQUIRED BY SUBSECTION
13 (1).
- 14 (P) IF THE RETAILER PROVIDES THE CONSUMER AT THE TIME OF
15 PURCHASE WITH AN ITEMIZED RECEIPT THAT GIVES A DESCRIPTION AND
16 THE PRICE OF EACH ITEM PURCHASED.
- 17 (3) In addition to the exemptions allowed in subsection (2),
18 a retailer may choose to not individually price mark not more
19 than 25 classes of items or individual items which classes or
20 items shall be listed and posted in a conspicuous place in the
21 retail store, and may choose to not individually price mark not
22 more than 25 additional classes of items or individual items
23 which are advertised or featured at a reduced price.
- 24 (4) The price and the name or description of a class of
25 items or individual items not marked pursuant to subsection (3)
26 shall be indicated by a clear, readable, and conspicuous sign in

1 immediate conjunction with the area in which the unmarked item or
2 class of items is displayed.

3 (5) As used in subsections (3) and (4), "item", except as
4 otherwise provided in this subsection, means 1 or more identical
5 articles, sold in identical quantities or measures. An item may
6 include more than 1 product, brand, kind, size, or type of pack-
7 aging, if they are packaged together and sold as a set and the
8 sets are identical in all respects, including quantity or
9 measure.