

HOUSE BILL No. 5866

June 7, 1990, Introduced by Rep. Ciaramitaro and referred to the Committee on Consumers.

A bill to require dealers to provide notice of certain automobile repairs; to prescribe duties; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Dealer" means a person who possesses a dealer license
3 under the Michigan vehicle code, Act No. 300 of the Public Acts
4 of 1949, being sections 257.1 to 257.923 of the Michigan Compiled
5 Laws.

6 (b) "New motor vehicle" means that term as defined in sec-
7 tion 33a of the Michigan vehicle code, Act No. 300 of the Public
8 Acts of 1949, being section 257.33a of the Michigan Compiled
9 Laws.

10 Sec. 3. A dealer who sells a motor vehicle which he or she
11 represents as a new motor vehicle shall, before the sale, provide

1 written notice to a prospective buyer of all repairs made
2 totaling \$250.00 or more at retail valuation to the vehicle of
3 which the dealer has knowledge whether or not those repairs were
4 made by that dealer. The notice shall indicate the area of
5 damage, cost of repair, and a description of each major part
6 which was replaced or repaired. Notice may be given by a repair
7 invoice which satisfies the requirements of this section.

8 Sec. 5. (1) A buyer who is not provided with the notice
9 required under section 3 shall have not more than 1 year after
10 the date of the sale to rescind the sales contract.

11 (2) In addition to rescission of the sales contract, a buyer
12 who suffers loss as a result of a violation of this act may bring
13 an action to recover actual damages or \$250.00, whichever is
14 greater, together with reasonable attorney fees. An action under
15 this subsection shall not be brought more than 6 years after the
16 occurrence of the violation.

17 (3) This section shall not limit a buyer from any other
18 remedy provided for by law.