

HOUSE BILL NO. 6482

December 02, 2020, Introduced by Rep. Wittenberg and referred to the Committee on Commerce and Tourism.

A bill to amend 1986 PA 276, entitled
"An act to allow for the buyer's cancellation of certain sales contracts,"
by amending section 1 (MCL 445.931).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) For a sale of goods, services, or memberships
2 ~~whose value equals or exceeds~~ **with a value that equals or exceeds**
3 \$500.00, if the buyer has been offered anything of more than \$25.00
4 in value in exchange for attending a sales promotion for those
5 goods, services, or memberships, in addition to any other right to

1 revoke an offer, a buyer has the right to cancel the sale and
2 receive a complete refund until midnight of the ~~third-tenth~~
3 business day after the day on which the buyer signed a contract or
4 agreement to purchase.

5 (2) A contract or agreement to purchase ~~which-that~~ is subject
6 to cancellation under ~~the provisions of~~ subsection (1) ~~shall-must~~
7 prominently contain ~~the following notice,~~ on its face, set in
8 boldface at least 4 points larger than the type of the body of the
9 document, **the notice to purchaser described in this subsection.** The
10 seller shall enter on the blanks the date the buyer signs the
11 written agreement, the last date for mailing notice of
12 cancellation, and the seller's name and address.

13 Notice to Purchaser

14
15 You are entitled to cancel this agreement without penalty or
16 obligation for any reason within ~~3-10~~ business days from the
17 date you signed this agreement. Any payments made by you
18 shall be returned within 10 business days following receipt
19 by the seller of your cancellation notice. You may mail or
20 deliver a written notice to the seller. If mailed, it must be
21 postmarked before midnight of the ~~third-tenth~~ business day after
22 you sign the agreement. Deliver or mail the notice to:

23
24 Name of
25 Seller _____ Date Signed _____
26 Address of _____ Last Cancellation
27 Seller _____ Date _____

28 (3) Cancellation occurs when the buyer mails or delivers to
29 the seller written notification of cancellation. If mailed, a

1 cancellation notice is given on the date the notice is postmarked.

2 (4) A written notice given by the buyer for cancellation need
3 not take a particular form and is sufficient if it indicates by any
4 form of written expression the intention of the buyer not to be
5 bound by the sale.

6 (5) A buyer shall not cancel a sale if the buyer requests the
7 seller to provide goods, services, or memberships without delay
8 because of an emergency, and any of the following apply:

9 (a) The seller in good faith makes a substantial beginning of
10 performance of the contract before the buyer gives notice of
11 cancellation.

12 (b) The buyer furnishes the seller with a separate dated and
13 signed personal statement in the buyer's handwriting describing the
14 situation requiring immediate remedy and expressly acknowledging
15 and waiving the right to cancel the sale within ~~3~~**10** business days.

16 (c) The goods, services, or memberships cannot be returned to
17 the seller in substantially as good condition as when received by
18 the buyer.

19 (6) This act does not limit or in any way affect a buyer's
20 right to cancel a sale under any other provision of law.

21 (7) If a gift is given to the prospective buyer as an
22 inducement to attend a sales promotion, regardless of intent, the
23 prospective buyer shall have the right to keep the gift without
24 obligation whether or not a contract is canceled.

25 (8) ~~For purposes of~~ **As used in** this section, "business
26 day" means Monday through Friday and ~~shall~~**does** not include
27 Saturday, Sunday, or the following business holidays:

28 (a) New Year's ~~day;~~ **Day**.

29 (b) Martin Luther King, Jr. ~~day;~~ **Day**.

- 1 **(c)** Memorial ~~day;~~**Day**.
- 2 **(d)** July 4;~~4~~.
- 3 **(e)** Labor ~~day;~~**Day**.
- 4 **(f)** Columbus ~~day;~~**Day**.
- 5 **(g)** Veterans' ~~day;~~**Day**.
- 6 **(h)** Thanksgiving ~~day;~~ and **Day**.
- 7 **(i)** Christmas ~~day.~~**Day**.