



HOUSE BILL No. 4068

January 11, 1995, Introduced by Reps. Jamian, Bullard, Hill, Crissman, Bush, Horton and Dalman and referred to the Committee on Commerce.

A bill to amend sections 6, 8, 13, and 14 of Act No. 39 of the Public Acts of 1961, entitled

"An act to regulate insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's removal and closing out sales, and sales of goods, wares and merchandise damaged by fire, smoke, water or otherwise; to provide penalties for the violation hereof; and to repeal certain acts and parts of acts,"

being sections 442.216, 442.218, 442.223, and 442.224 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6, 8, 13, and 14 of Act No. 39 of the
2 Public Acts of 1961, being sections 442.216, 442.218, 442.223,
3 and 442.224 of the Michigan Compiled Laws, are amended to read as
4 follows:

5 Sec. 6. (1) A license to conduct a sale issued pursuant to
6 this act shall not be issued or valid for a period of more than

1 30 days from the start of the sale, and the sale may be conducted
2 only during the 30-DAY LICENSE period. ~~set forth in the~~
3 ~~license.~~

4 (2) The license may be renewed not more than twice for a
5 period not to exceed 30 days for each renewal. ~~upon~~ THE APPLI-
6 CATION FOR RENEWAL SHALL BE ACCOMPANIED WITH AN affidavit of the
7 licensee that STATES the goods listed in the FILED inventory have
8 not been disposed of and that no new goods have been or will be
9 added to the inventory ~~previously filed pursuant to this act,~~
10 by purchase, acquisition on consignment, or otherwise. The
11 application for renewal of the license shall be made ~~not more~~
12 ~~than~~ WITHIN 13 days prior to the ~~time of the~~ expiration DATE
13 of the license and shall contain a ~~new~~ REVISED inventory of
14 goods remaining on hand at the time the application for renewal
15 is made. ~~, which new~~ THE REVISED inventory shall be prepared
16 and furnished in the same manner and form as the original
17 inventory. No renewal shall be granted if any goods have been
18 added to the stock listed in the inventory since the date of the
19 issuance of the ORIGINAL license.

20 (3) A fee of ~~\$50.00~~ \$100.00 shall accompany an application
21 for the license and for the renewal of a license.

22 Sec. 8. ~~Every~~ THE city, village, or township clerk to
23 whom application is made ~~,~~ shall indorse upon the application
24 the date of its filing ~~, shall preserve the same as a record of~~
25 ~~his office,~~ and shall make an abstract of the facts set forth in
26 the application in a book kept for that purpose, properly
27 indexed, containing the name of the person ~~asking such~~ APPLYING

1 FOR THE license, the nature of the proposed sale, the place where
 2 the sale is to be conducted, its duration, the inventory of the
 3 goods to be sold, ~~and~~ a general statement as to where the
 4 ~~same~~ GOODS came from, and ~~shall make in the book~~ a notation
 5 as to the issuance or refusal of the license. ~~applied for~~
 6 ~~together with the date of the same.~~ The clerk shall indorse on
 7 the application the date the license is granted or refused, and
 8 the application and abstract shall be prima facie evidence of all
 9 statements ~~therein~~ contained IN THE APPLICATION.

10 Sec. 13. ~~Any~~ A person who advertises, represents, or
 11 holds out ~~any~~ A sale of goods to be an insurance, bankrupt,
 12 mortgage, insolvent, assignee's, executor's, ~~administrators~~
 13 ADMINISTRATOR'S, receiver's, trustee's, removal, or going out of
 14 business sale, or a sale of goods damaged by fire, water, smoke,
 15 or otherwise, without having first complied with ~~the provisions~~
 16 ~~of~~ this act, is guilty of a misdemeanor, ~~and shall be fined in~~
 17 ~~a sum not less than \$100.00 nor more than \$500.00 or shall be~~
 18 ~~imprisoned in the county jail for not less than 10 days and not~~
 19 ~~more than 6 months~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
 20 1 YEAR, OR BY A FINE OF NOT MORE THAN \$1,000.00, or both.

21 Sec. 14. ~~Any~~ A person who holds, conducts, or carries on
 22 ~~any~~ A sale of goods as an insurance, bankrupt, mortgage,
 23 insolvent's, assignee's, executor's, administrator's, receiver's,
 24 trustee's, removal, or going out of business sale, or sale of
 25 goods damaged by fire, smoke, water, or otherwise, ~~contrary to~~
 26 ~~the provisions of this act, or who violates any of the~~
 27 ~~provisions~~ IN VIOLATION of this act is guilty of a misdemeanor,

1 ~~and shall be fined in a sum of not less than \$100.00 nor more~~
2 ~~than \$500.00 or shall be imprisoned in the county jail for not~~
3 ~~less than 10 days and not more than 6 months~~ PUNISHABLE BY
4 IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BY A FINE OF NOT MORE
5 THAN \$5,000.00, or both.