

SENATE BILL NO. 599

June 10, 1997, Introduced by Senators DUNASKISS, NORTH, MC MANUS, YOUNG, BULLARD, STILLE, SHUGARS, BOUCHARD, BYRUM, BERRYMAN and CHERRY and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1986 PA 87, entitled

"An act regarding warranties on new motor vehicles; to require certain repairs thereto; and to provide remedies for the failure to repair such vehicles,"

by amending section 1 (MCL 257.1401).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Consumer" means ~~any~~ 1 OR MORE of the following, but
3 does not include a lessee of a new motor vehicle:

4 (i) A person who purchases a new motor vehicle for personal,
5 family, or household use and not for the purpose of selling or
6 leasing the new motor vehicle to another person.

7 (ii) A person who purchases less than 10 new motor vehicles
8 a year.

1 (iii) A person who purchases 10 or more new motor vehicles a
2 year only if the vehicles are purchased for personal, family, or
3 household use.

4 (iv) Any other person entitled to enforce the provisions of
5 an express warranty pursuant to the terms of that warranty.

6 (b) "Manufacturer" means ~~any~~ A person who manufactures,
7 assembles, or is a distributor of new motor vehicles and includes
8 an agent of a manufacturer but does not include a new motor vehi-
9 cle dealer.

10 (c) "Manufacturer's express warranty" means an express war-
11 ranty as determined under the uniform commercial code, ~~Act~~
12 ~~No. 174 of the Public Acts of 1962, being sections 440.1101 to~~
13 ~~440.11102 of the Michigan Compiled Laws~~ 1962 PA 174, MCL
14 440.1101 TO 440.11102, offered by the manufacturer on a new motor
15 vehicle.

16 (d) "Motor vehicle" means a motor vehicle as defined in
17 section 33 of the Michigan vehicle code, ~~Act No. 300 of the~~
18 ~~Public Acts of 1949, being section 257.33 of the Michigan~~
19 ~~Compiled Laws~~ 1949 PA 300, MCL 257.33, that is designed as a
20 passenger vehicle OR A MOTORCYCLE AS DEFINED IN SECTION 31 OF THE
21 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.31, but does not
22 include a motor home, bus, truck other than a pickup truck or
23 van, ~~or any vehicle designed to travel on less than 4 wheels~~ OR
24 A MOPED AS DEFINED IN SECTION 32B OF THE MICHIGAN VEHICLE CODE,
25 1949 PA 300, MCL 257.32B, OR AN AUTOCYCLE AS DEFINED IN SECTION
26 25A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.25A.

1 (e) "New motor vehicle" means a motor vehicle that is
2 purchased in this state or purchased by a resident of this state
3 and is covered by a manufacturer's express warranty at the time
4 of purchase.

5 (f) "New motor vehicle dealer" means a person OR AN AGENT OF
6 THAT PERSON who holds a dealer agreement for the sale of new
7 motor vehicles, who is engaged in the business of purchasing,
8 selling, exchanging, or dealing in new motor vehicles, and who
9 has an established place of business in this state. ~~and an~~
10 ~~agent thereof.~~

11 (g) "Person" means a natural person, ~~or a~~ sole proprietor-
12 ship, partnership, corporation, association, unit or agency of
13 government, trust, estate, or other legal entity.

14 (h) "Resident of this state" means ~~as follows~~ 1 OR MORE OF
15 THE FOLLOWING:

16 (i) ~~For an~~ AN individual ~~, that the individual~~ WHO is a
17 legal resident of this state.

18 (ii) ~~For a sole proprietorship or partnership, that the~~ A
19 sole proprietorship or partnership THAT was created pursuant to
20 the laws of this state and its main office is located in this
21 state.

22 (iii) ~~For a~~ A corporation ~~, that the corporation~~ is
23 ~~considered to be~~ a domestic corporation and was created under
24 the laws of this state.

25 (iv) ~~For an~~ AN association ~~, that the association~~ was
26 created pursuant to the laws of this state and its main office is
27 located in this state.

1 (v) ~~For a~~ A unit or agency of government ~~,~~ that ~~the~~
2 ~~unit or agency~~ is located in this state.

3 (vi) ~~For a~~ A trust, estate, or other legal entity, that
4 ~~the trust, estate, or other legal entity~~ was created pursuant
5 to the laws of this state and is located in this state.