

HOUSE BILL No. 4831

May 30, 2001, Introduced by Reps. Switalski, DeRossett, LaSata, Spade, Lipsey, Adamini, McConico, Rich Brown, Wojno, Gielegem, Minore, Bogardus, Sheltroun, Bernero, Pappageorge, Richardville and Lemmons and referred to the Committee on Commerce.

A bill to amend 1986 PA 87, entitled

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

by amending section 1 (MCL 257.1401), as amended by 1998 PA 486.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Consumer" means 1 or more of the following:

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

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

1 (iii) A person who purchases or leases 10 or more new motor
2 vehicles a year only if the vehicles are purchased or leased for
3 personal, family, or 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) "Lessee" means a person who, under a lease, acquires the
7 right to possession and use of a new motor vehicle.

8 (c) "Lessor" means a person who, under a lease, transfers
9 the right to possession and use of a new motor vehicle.

10 (d) "Manufacturer" means a person who manufactures, assem-
11 bles, or is a distributor of new motor vehicles and includes an
12 agent of a manufacturer but does not include a new motor vehicle
13 dealer.

14 (e) "Manufacturer's express warranty" means an express war-
15 ranty as determined under the uniform commercial code, 1962
16 PA 174, MCL 440.1101 to 440.11102, offered by the manufacturer on
17 a new motor vehicle.

18 (f) "Motor vehicle" means a motor vehicle as defined in
19 section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33,
20 that is designed as a passenger vehicle, MOTOR HOME, or sport
21 utility vehicle, but does not include a ~~motor home~~, bus, truck
22 other than a pickup truck or van, or a vehicle designed to travel
23 on less than 4 wheels.

24 (G) "MOTOR HOME" MEANS A MOTOR HOME AS DEFINED IN SECTION
25 32A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.32A.

26 (H) ~~-(g)-~~ "New motor vehicle" means a motor vehicle that is
27 purchased or leased in this state or purchased or leased by a

1 resident of this state and is covered by a manufacturer's express
2 warranty at the time of purchase or lease.

3 (I) ~~(h)~~ "New motor vehicle dealer" means a person or that
4 person's agent who holds a dealer agreement for the sale of new
5 motor vehicles, who is engaged in the business of purchasing,
6 leasing, selling, exchanging, or dealing in new motor vehicles,
7 and who has an established place of business in this state.

8 (J) ~~(i)~~ "Person" means a natural person, ~~a~~ sole proprie-
9 torship, partnership, corporation, LIMITED LIABILITY COMPANY,
10 association, unit or agency of government, trust, estate, or
11 other legal entity.

12 (K) ~~(j)~~ "Resident of this state" means ~~as follows~~ ANY OF
13 THE FOLLOWING:

14 (i) ~~For an individual, an~~ AN individual who is a legal
15 resident of this state.

16 (ii) ~~For a sole proprietorship or partnership, a~~ A sole
17 proprietorship or partnership created pursuant to the laws of
18 this state ~~and its~~ WHOSE main office is located in this state.

19 (iii) ~~For a corporation, a~~ A corporation that is a domes-
20 tic corporation ~~and was~~ created under the laws of this state.

21 (iv) ~~For an association, an~~ AN association created pursu-
22 ant to the laws of this state ~~and its~~ WHOSE main office is
23 located in this state.

24 (v) ~~For a unit or agency of government, a~~ A unit or agency
25 of government located in this state.

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

4 (1) ~~(k)~~ "Lease price" means the actual vehicle sales price
5 paid by the lessor including any cash payment by the consumer and
6 the sum equal to any allowance for any trade-in but excludes debt
7 from any other transaction as well as any manufacturer to con-
8 sumer discount, rebate, or incentive appearing in the agreement
9 or contract that the consumer received or that was applied to
10 reduce the purchase or lease cost. Additionally, any sales tax,
11 license and registration fees, and similar government charges not
12 included elsewhere paid by the lessor on behalf of the lessee are
13 included as a part of lease price.

14 (M) ~~(l)~~ "Purchase price" means the actual vehicle sales
15 price listed on the buyer's order including any cash payment by
16 the consumer and the sum equal to any allowance for any trade-in
17 but excludes debt from any other transaction as well as any manu-
18 facturer to consumer discount, rebate, or incentive appearing in
19 the agreement or contract that the consumer received or that was
20 applied to reduce the purchase cost. Additionally, any sales
21 tax, license and registration fees, and similar government
22 charges not included elsewhere paid by the consumer are included
23 as a part of purchase price.