JOE GAGNON APPLIANCE REPAIR ACT

Act 468 of 2002

AN ACT to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

History: 2002, Act 468, Imd. Eff. June 21, 2002

The People of the State of Michigan enact:

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445.831 Short title.

Sec. 1.

This act shall be known and may be cited as the "Joe Gagnon appliance repair act".

History: 2002, Act 468, Imd. Eff. June 21, 2002

445.832 Definitions.

Sec. 2.

As used in this act:

(a) "Appliance" means a refrigerator, dehumidifier, freezer, oven, range, microwave oven, washer, dryer, dishwasher, trash compactor, or window room air conditioner.

(b) "Customer" means a member of the general public who seeks the services of a service dealer for the repair, maintenance, or service of an appliance that he or she uses personally and not as part of a business or commercial enterprise.

(c) "Service dealer" means a person that, for compensation, engages or offers to engage in repairing, servicing, or maintaining an appliance. Service dealer does not include a contractor that is licensed under article 8 of the skilled trades regulation act, MCL 339.5801 to 339.5819.

History: 2002, Act 468, Imd. Eff. June 21, 2002 ;-- Am. 2016, Act 414, Eff. Apr. 4, 2017

445.833 Appliance repair; written estimate; fee; service call charge; combination of written estimate with final bill.

Sec. 3.

(1) Except as otherwise provided in this section and before repairing, servicing, or performing maintenance on an appliance, a service dealer shall make a written estimate of the cost of the repair, service, or maintenance. The written estimate shall comply with subsection (2). The customer shall approve the estimate by signing the estimate, verbally approving the estimate via the telephone, or by any other equivalent method. If the customer approves the estimate by means of a telephone call or other equivalent method, the service dealer shall so indicate on the estimate and shall, if possible, obtain the customer's signature on the estimate at a later time. A service dealer shall not charge in excess of 110% of the amount noted in the

written estimate unless the service dealer receives the verbal or written permission of the customer.

(2) A written estimate or attached documentation shall provide all of the following:

(a) The service dealer's name, mailing address, and telephone number. If the service dealer's mailing address is not a street address, then the street address of the service dealer.

(b) A description of the problem requiring service, repair, or maintenance or the maintenance procedure desired by the customer.

(c) Any charge for labor to be performed or parts to be installed, each stated separately. The estimate shall state the hourly rate, if any, or flat rate by which the labor charge is determined.

(d) The cost for removing the appliance from and returning the appliance to the customer's premises, if applicable.

(3) A service dealer may charge a fee, as indicated in the written estimate, for any labor performed in examining the appliance and diagnosing any problems. If the appliance would require dismantling as part of the diagnosis, the service dealer shall include in the written estimate of the cost of dismantling and reassembling the appliance and the cost, if any, of any parts that would be destroyed or rendered inoperable by the dismantling and reassembly of the appliance.

(4) This act does not prohibit a service dealer from charging for a service call.

(5) This act does not prohibit a service dealer from combining the written estimate with the final bill described in section 5 into the same document.

History: 2002, Act 468, Imd. Eff. June 21, 2002

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445.834 Removed parts; return; retention.

Sec. 4.

(1) Except as otherwise provided in subsection (2), the service dealer shall return all parts removed from the appliance to the customer unless the customer declines, in writing, to receive the removed part.

(2) The service dealer may retain any part that has a core charge or exchange rate, contains hazardous material, or is returned to the manufacturer as required by the manufacturer's warranty if the service dealer provides to the customer, at the completion of the repair, service, or maintenance, a written statement on the final bill describing the reason for the retention of the part.

History: 2002, Act 468, Imd. Eff. June 21, 2002

445.835 Final bill.

Sec. 5.

The final bill shall separately state in writing the following:

(a) The name and address of the service dealer as described in section 3(2)(a).

(b) Service call charges, if any.

(c) The labor charge.

(d) Parts charge, if any, including whether the parts were new or used and the actual part number and manufacturer.

(e) The warranty provided by the supplier of the part. If the service dealer has no knowledge of a supplier's or manufacturer's warranty or knows that no supplier's or manufacturer's warranty exists, he or she shall so state.

(f) The service dealer's labor warranty.

(g) Other charges, stated in detail.

(h) Sales tax.

(i) A statement that the customer, in order to enforce any warranty provided by this act, is required to notify the service dealer in writing, in person, or by telephone not later than the time period of the warranty for the part or labor.

(j) The right of a customer to bring an action under this act.

History: 2002, Act 468, Imd. Eff. June 21, 2002

445.836 Warranty.

Sec. 6.

(1) A service dealer shall provide a warranty for not less than 30 days on the service dealer's labor regarding the repair of the appliance.

(2) Subsection (1) does not void, reduce, or supersede a warranty made by the manufacturer of the appliance and does not void any provisions of a service contract that covers the appliance.

(3) A warranty under subsection (1) requires the service dealer to correct, at no cost to the customer, any failure of the warranted parts if the customer notifies the service dealer in writing within the applicable warranty time period. A service dealer shall make a warranted correction in not more than 10 days after receipt of the written notice of the failure unless parts, after having been ordered in a timely manner, are not received by the service dealer. The service dealer shall make a written record of the ordering of those parts.

(4) A service dealer may impose a labor charge upon the receipt of a written notice of failure from a customer which is after the 30-day labor warranty described in subsection (1).

(5) A warranty issued under subsection (1) for service is extended by any period of time the service dealer has possession of the appliance for work related to the warranty.

History: 2002, Act 468, Imd. Eff. June 21, 2002

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445.837 False statement; noncompliance; remedies; action pursuant to Michigan consumer protection act; other remedies.

Sec. 7.

(1) A service dealer who makes a false statement of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of an appliance or who fails to substantially comply with the disclosure requirements of this act is subject to the remedies prescribed by subsection (2).

(2) A person may bring an action in a court of competent jurisdiction for actual damages resulting from a violation of this act in the amount of his or her actual damages or $250.00, whichever is greater, together with reasonable attorney fees. The court may award up to twice the amount of damages if it finds that the violation of this act was willful.

(3) This act does not prohibit the attorney general, a prosecuting attorney, or a person who has suffered a loss as a result of a violation of this act from bringing an action pursuant to the Michigan consumer protection act, 1976 PA 331, MCL 445.901 to 445.922, for any act or omission relative to this act.

(4) The remedies under this section are cumulative and independent. The use of 1 remedy by a person or the department of attorney general shall not bar the use of other lawful remedies, including injunctive relief, by that person or the department of attorney general.

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