

SHOPPING REFORM AND MODERNIZATION ACT (EXCERPT)
Act 15 of 2011

***** 445.319.new THIS NEW SECTION IS EFFECTIVE SEPTEMBER 1, 2011 *****

445.319.new Applicability of section to certain sales; conditions; loss suffered by buyer; notification; recovery; action brought by buyer; section inapplicable to seller intentionally charging more than displayed price.

Sec. 9. (1) Except as provided in subsection (4), this section applies to a sale at retail that meets all of the following conditions:

- (a) There is a price displayed for the consumer item.
- (b) The sale is recorded by an automatic checkout system.
- (c) The buyer is given a receipt that describes the item and states the price charged for the item.

(2) Before bringing or joining in an action under section 12(2), within 30 days after purchasing a consumer item, a buyer who suffers loss because the price charged for the item is more than the price displayed for that item shall notify the seller in person or in writing that the price charged is more than the price displayed for that item. The notice shall include evidence of the loss suffered by the buyer. If the seller pays the buyer 1 of the following amounts within 2 days after the seller receives notification under this subsection, the buyer is barred from any further recovery for that loss:

(a) Unless subdivision (b) applies, an amount equal to the difference between the price displayed and the price charged for the consumer item, plus an amount equal to 10 times that difference but that is not less than \$1.00 or more than \$5.00.

(b) If a loss is suffered by a buyer on 2 or more identical consumer items in a single transaction, an amount equal to the difference between the price displayed and the price charged for each of those identical items, plus an amount equal to 10 times that difference for 1 of the identical items but that is not less than \$1.00 or more than \$5.00.

(3) If a seller does not pay a buyer who suffers a loss described in subsection (2) the amount described in that subsection for that loss, the buyer may bring or join in an action against the seller under section 12(2).

(4) This section does not apply to a sale at retail in which the seller intentionally charges more for a consumer item than the price displayed for the item.

History: 2011, Act 15, Eff. Sept. 1, 2011.