

# SENATE BILL No. 56

February 12, 1987, Introduced by Senators FAXON and SEDERBURG and referred to the Committee on Judiciary.

A bill to amend section 2313 of Act No. 174 of the Public Acts of 1962, entitled as amended

"Uniform commercial code,"

being section 440.2313 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2313 of Act No. 174 of the Public Acts  
2 of 1962, being section 440.2313 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 2313. (1) Express warranties by the seller are created  
5 as follows:

6       (a) ~~Any~~ AN affirmation of fact or promise made by the  
7 seller to the buyer which relates to the goods and becomes part  
8 of the basis of the bargain creates an express warranty that the  
9 goods shall conform to the affirmation or promise.

1 (b) ~~Any~~ A description of the goods which is made part of  
 2 the basis of the bargain creates an express warranty that the  
 3 goods shall conform to the description.

4 (c) ~~Any~~ A sample or model which is made part of the basis  
 5 of the bargain creates an express warranty that the whole of the  
 6 goods shall conform to the sample or model.

7 (2) It is not necessary to the creation of an express war-  
 8 ranty that the seller use formal words such as "warrant" or  
 9 "guarantee" or that he OR SHE have a specific intention to make a  
 10 warranty, but an affirmation merely of the value of the goods or  
 11 a statement purporting to be merely the seller's opinion or com-  
 12 mendation of the goods does not create a warranty, EXCEPT AS PRO-  
 13 VIDED IN THE ART MULTIPLES SALES ACT AND ACT NO. 121 OF THE  
 14 PUBLIC ACTS OF 1970, BEING SECTIONS 442.321 TO 442.325 OF THE  
 15 MICHIGAN COMPILED LAWS.

16 Section 2. This amendatory act shall not take effect unless  
 17 all of the following bills of the 84th Legislature are enacted  
 18 into law:

19 (a) Senate Bill No. 54

20 (b) Senate Bill No. 55

21 Section 3. This amendatory act shall take effect 6 months  
 22 after Senate Bill No. 54 of the 84th  
 23 Legislature is enacted into law.