HOUSE BILL No. 4608

April 20, 1993, Introduced by Reps. Hammerstrom, Rivers, Llewellyn, Oxender, Hollister and Shugars and referred to the Committee on Consumers.

A bill to amend section 1 of Act No. 87 of the Public Acts

of 1986, 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,"

being section 257.1401 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Section 1. Section 1 of Act No. 87 of the Public Acts of

2 1986, being section 257.1401 of the Michigan Compiled Laws, is

3 amended to read as follows:

4   Sec. 1. As used in this act:

5   (a) "Consumer" means any of the following, but does not

6 include a lessee of a new motor vehicle:

7   (i) A person who purchases a new motor vehicle for personal,

8 family, or household use and not for the purpose of selling or

9 leasing the new motor vehicle to another person.

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1   (*ii*) A person who purchases less than 10 new motor vehicles
2 a year.

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

6   (*iv*) Any other person entitled to enforce the provisions of
7 an express warranty pursuant to the terms of that warranty.

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

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

17   (d) "Motor vehicle" means a motor vehicle as defined in
18 section 33 of the Michigan vehicle code, Act No. 300 of the
19 Public Acts of 1949, being section 257.33 of the Michigan
20 Compiled Laws, that is designed as a passenger vehicle, OR A
21 MOTORCYCLE AS DEFINED IN SECTION 31 OF THE MICHIGAN VEHICLE CODE,
22 ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.31 OF
23 THE MICHIGAN COMPILED LAWS, but does not include a motor home,
24 bus, truck other than a pickup truck or van, or any vehicle,
25 EXCEPT A MOTORCYCLE, designed to travel on less than 4 wheels.

26   (e) "New motor vehicle" means a motor vehicle that is
27 purchased in this state or purchased by a resident of this state

1 and is covered by a manufacturer's express warranty at the time

2 of purchase.

3   (f) "New motor vehicle dealer" means a person who holds a

4 dealer agreement for the sale of new motor vehicles, who is

5 engaged in the business of purchasing, selling, exchanging, or

6 dealing in new motor vehicles, and who has an established place

7 of business in this state; and an agent ~~thereof~~ OF THAT

8 PERSON.

9   (g) "Person" means a natural person, or a sole proprietor-

10 ship, partnership, corporation, association, unit or agency of

11 government, trust, estate, or other legal entity.

12   (h) "Resident of this state" means as follows:

13   (*i*) For an individual, that the individual is a legal resi-

14 dent of this state.

15   (*ii*) For a sole proprietorship or partnership, that the sole

16 proprietorship or partnership was created pursuant to the laws of

17 this state and its main office is located in this state.

18   (*iii*) For a corporation, that the corporation is considered

19 to be a domestic corporation and was created under the laws of

20 this state.

21   (*iv*) For an association, that the association was created

22 pursuant to the laws of this state and its main office is located

23 in this state.

24   (*v*) For a unit or agency of government, that the unit or

25 agency is located in this state.

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