

SUBSTITUTE FOR  
HOUSE BILL NO. 5216

A bill to amend 1971 PA 227, entitled  
"An act to prescribe the rights and duties of parties to home  
solicitation sales,"  
by amending section 1 (MCL 445.111), as amended by 1980 PA 108.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. As used in this act:  
2       (a) "Home solicitation sale" means a sale of goods or serv-  
3 ices of more than \$25.00 in which the seller or a person acting  
4 for the seller engages in a personal, WRITTEN, or telephonic  
5 solicitation of the sale, THE SOLICITATION IS RECEIVED BY THE  
6 BUYER at a residence of the buyer, and the buyer's agreement or  
7 offer to purchase is there given to the seller or a person acting  
8 for the seller. HOME SOLICITATION SALE INCLUDES A SALE ARISING  
9 FROM A POSTCARD OR OTHER WRITTEN NOTICE DELIVERED TO A BUYER'S  
10 RESIDENCE THAT REQUESTS THAT THE BUYER CONTACT THE SELLER OR

**HB5216, As Passed House, November 5, 1997**

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1 SELLER'S AGENT BY TELEPHONE TO INQUIRE ABOUT A GOOD OR SERVICE,  
2 UNLESS THE POSTCARD OR OTHER WRITTEN NOTICE SPECIFIES THE PRICE  
3 OF THE GOOD OR SERVICE AND ACCURATELY DESCRIBES THE GOOD OR  
4 SERVICE. Home solicitation sale does not include a sale made pur-  
5 suant to a preexisting revolving charge account, a sale made pur-  
6 suant to prior negotiations between the parties at a business  
7 establishment at a fixed location where goods or services are  
8 offered or exhibited for sale, a sale of insurance by an insur-  
9 ance agent licensed by the commissioner of insurance, A SALE MADE  
10 PURSUANT TO A PRINTED ADVERTISEMENT IN A PUBLICATION OF GENERAL  
11 CIRCULATION, or a sale of services by a real estate broker or  
12 salesperson licensed by the department of ~~licensing and~~  
13 ~~regulation~~ CONSUMER AND INDUSTRY SERVICES. Home solicitation  
14 sale does not include a sale of agricultural or horticultural  
15 equipment and machinery ~~which~~ THAT is demonstrated to the con-  
16 sumer by the vendor at the request of either or both of the  
17 parties.

18 (b) "Fixed location" means a place of business where the  
19 seller or an agent, servant, employee, or solicitor of that  
20 seller primarily engages in the sale of goods or services of the  
21 same kind as would be sold at the residence of a buyer.

22 (c) "Business day" means Monday through Friday and ~~shall~~  
23 DOES not include Saturday, Sunday or the following business  
24 holidays: New Year's day, Martin Luther King's birthday,  
25 Washington's birthday, Memorial day, Independence day, Labor day,  
26 Columbus day, Veterans' day, Thanksgiving day, and Christmas  
27 day.