

**SENATE 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

HB 5216, As Passed Senate, May 19, 1998

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