

# HOUSE BILL No. 5723

May 7, 1990, Introduced by Rep. Niederstadt and referred to the Committee on Consumers.

A bill to amend section 3 of Act No. 449 of the Public Acts of 1976, entitled

"An act to regulate the pricing of consumer items and the advertising of consumer items, services, goods, merchandise, commodities, and real property; to prescribe the powers and duties of certain state and local officials in relation thereto; to provide remedies and penalties; and to repeal certain acts and parts of acts,"

being section 445.353 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 449 of the Public Acts of  
2 1976, being section 445.353 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 3. (1) The total price of a consumer item displayed  
5 or offered for sale at retail shall be clearly and conspicuously  
6 indicated in arabic numerals, so as to be readable and  
7 understandable by visual inspection, and shall be stamped upon or

1 affixed to the consumer item. If the consumer item is in a  
2 package or container, the total price shall be stamped upon or  
3 affixed to the outside surface of the package or container and  
4 need not be placed directly upon the consumer item.

5 (2) The requirements of subsection (1) ~~shall~~ DO not apply  
6 to THE FOLLOWING:

7 (a) A consumer item sold by weight or volume ~~which~~ THAT is  
8 not in a package or container.

9 (b) A consumer item sold in a coin operated vending  
10 machine.

11 (c) Prepared food intended for immediate consumption, as  
12 defined in section 4g of THE GENERAL SALES TAX ACT, Act No. 167  
13 of the Public Acts of 1933, being section 205.54g of the Michigan  
14 Compiled Laws.

15 (d) A consumer item purchased by mail or through catalog  
16 order, or ~~which~~ THAT is not otherwise visible for inspection by  
17 the consumer at the time of the sale, and ~~which~~ THAT is ordered  
18 or requested by the consumer, if the price of the item is on the  
19 consumer's written order or request or on a bill, invoice, or  
20 other notice ~~which~~ THAT describes or names the item and ~~which~~  
21 THAT is enclosed with the item.

22 (e) An unpackaged food item.

23 (f) A consumer item ~~which~~ THAT has a total weight of not  
24 more than 3 ounces, a total volume of not more than 3 cubic  
25 inches, and a total price of not more than 30 cents.

26 (g) Live plants.

1 (h) Live animals.

2 (i) Motor vehicles.

3 (j) Motor vehicle parts.

4 (k) Packages of 20 or fewer cigarettes.

5 (l) Greeting cards sold individually ~~which~~ THAT have a  
6 readable coded price on the back of the card.

7 (m) Merchandise ordered as a gift by a consumer ~~which~~ THAT  
8 is sent by mail or other delivery service to a person other than  
9 the consumer by the retailer at the request of the consumer.

10 (N) A CONSUMER ITEM DISPLAYED OR OFFERED FOR SALE AT RETAIL  
11 BY A STORE THAT OFFERS ALL ITEMS WITHIN THE STORE FOR SALE AT 1  
12 UNIFORM PRICE, IF THAT UNIFORM PRICE IS CONSPICUOUSLY POSTED  
13 THROUGHOUT THE STORE.

14 (3) In addition to the exemptions allowed in subsection (2),  
15 a retailer may choose to not individually price mark not more  
16 than 25 classes of items, or individual items, which classes or  
17 items shall be listed and posted in a conspicuous place in the  
18 retail store, and may choose to not individually price mark not  
19 more than 25 additional classes of items or individual items  
20 ~~which~~ THAT are advertised or featured at a reduced price.

21 (4) The price and the name or description of a class of  
22 items or individual items not marked pursuant to subsection (3)  
23 shall be indicated by a clear, readable, and conspicuous sign in  
24 immediate conjunction with the area in which the unmarked item or  
25 class of items is displayed.

26 (5) As used in subsections (3) and (4), "item", except as  
27 otherwise provided in this subsection, means 1 or more identical

1 articles, sold in identical quantities or measures. An item may  
2 include more than 1 product, brand, kind, size, or type of pack-  
3 aging, if they are packaged together and sold as a set and the  
4 sets are identical in all respects, including quantity or  
5 measure.