

SENATE BILL No. 767

February 26, 1992, Introduced by Senators DILLINGHAM, BOUCHARD, FAUST, O'BRIEN and MC MANUS and referred to the Committee on Corporations and Economic Development.

A bill to amend section 1 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 445.351 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 449 of the Public Acts of
2 1976, being section 445.351 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. As used in this act:

5 (a) "Advertising" means all representations disseminated in
6 any manner by any means for the purpose of inducing, or which are
7 likely to induce, directly or indirectly, the purchase of a

1 consumer item, service, good, merchandise, commodity, or real
2 property.

3 (b) "Automatic checkout system" means an electronic device,
4 computer, or machine ~~which~~ THAT determines the price of a con-
5 sumer item by using a product identity code, and may, but is not
6 required to, include an optical scanner.

7 (c) "Class of item" means a group of consumer items ~~which~~
8 THAT may vary by brand, style, pattern, color, or size other than
9 weight or volume. Items within a class must otherwise be identi-
10 cal and offered at the same total price.

11 (d) "Consumer item" means an article of tangible personal
12 property used or consumed, or bought for use or consumption, pri-
13 marily for personal, family, or household purposes, IF THAT ARTI-
14 CLE IS DISPLAYED OR OFFERED FOR SALE AT RETAIL BY A STORE THAT
15 OFFERS ALL SUCH ARTICLES WITHIN THE STORE FOR SALE AT 1 UNIFORM
16 PRICE, IF THAT UNIFORM PRICE IS CONSPICUOUSLY POSTED THROUGHOUT
17 THE STORE.

18 (e) "Director" means the director of the department of agri-
19 culture or his OR HER authorized representative.

20 (f) "Person" means an individual, firm, partnership, corpo-
21 ration, association, or other legal entity.

22 (g) "Sale at retail" means the transfer of an interest in a
23 consumer item by a person regularly and principally engaged in
24 the business of selling consumer items to a buyer for use or con-
25 sumption and not for resale.

26 (h) "Total price" means the full purchase price of a
27 consumer item, excluding sales tax and container deposit.