



HOUSE BILL No. 5380

March 1 1994 Introduced by Reps Jersevic Hammerstrom Jaye, Lowe Gernaat
McManus Rhead McNutt Shugars and Dalman and referred to the Committee on Business and
Finance

A bill to amend section 1 of Act No 227 of the Public Acts
of 1971 entitled

An act to prescribe the rights and duties of parties to home
solicitation sales, '

as amended by Act No 108 of the Public Acts of 1980, being sec-
tion 445 111 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 1 of Act No 227 of the Public Acts of
2 1971 as amended by Act No 108 of the Public Acts of 1980 being
3 section 445 111 of the Michigan Compiled Laws is amended to read
4 as follows

5 Sec 1 As used in this act

6 (a) Home solicitation sale means a sale of goods or serv-
7 ices of more than \$25 00 in which the seller or a person acting
8 for the seller engages in a personal or telephonic solicitation

1 or the sale at a residence of the buyer and the buyer's agreement
 2 of offer to purchase is ~~there~~ given AT THE RESIDENCE to the
 3 seller or a person acting for the seller Home solicitation sale
 4 does not include a sale made pursuant to A CONTACT WITH THE
 5 SELLER THAT WAS INITIATED BY THE BUYER, a preexisting revolving
 6 charge account, a sale made pursuant to prior negotiations
 7 between the parties at a business establishment at a fixed loca-
 8 tion where goods or services are offered or exhibited for sale, a
 9 sale of insurance by an insurance agent licensed by the commis-
 10 sioner of insurance, or a sale of services by a real estate
 11 broker or salesperson licensed by the department of ~~licensing~~
 12 ~~and regulation~~ COMMERCE Home solicitation sale does not
 13 include a sale of agricultural or horticultural equipment and
 14 machinery ~~which~~ THAT is demonstrated to the consumer by the
 15 vendor at the request of either or both of the parties

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

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