

**SUBSTITUTE FOR  
HOUSE BILL NO. 5264**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
(MCL 257.1 to 257.923) by adding section 709a.

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

1        SEC. 709A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), BEGIN-  
2 NING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
3 SECTION, A PERSON WHO ENGAGES IN THE BUSINESS OF TREATING WIN-  
4 DOWS, INSTALLING WINDOWS TO WHICH A WINDOW TREATMENT HAS BEEN  
5 APPLIED, OR BOTH, IN MOTOR VEHICLES SHALL NOT APPLY A WINDOW  
6 TREATMENT TO ALL OR PART OF A WINDOW OF A MOTOR VEHICLE OR  
7 INSTALL A WINDOW TO WHICH A WINDOW TREATMENT HAS BEEN APPLIED IF  
8 THE WINDOW TREATMENT IS OF A TYPE OR IS LOCATED ON OR IN THE  
9 WINDOW SO THAT THE ACT OF OPERATING THAT MOTOR VEHICLE IS  
10 PROHIBITED UNDER SECTION 709.

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1       (2) SUBSECTION (1) DOES NOT APPLY TO A MOTOR VEHICLE  
2 MANUFACTURER.

3       (3) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MIS-  
4 DEMEANOR AND IS PUNISHABLE BY A FINE OF \$250.00 FOR EACH  
5 VIOLATION.

6       (4) A PERSON WHO PURCHASES A WINDOW THAT WAS INSTALLED OR A  
7 WINDOW TREATMENT THAT WAS APPLIED IN VIOLATION OF SUBSECTION (1)  
8 AND WHO SUBSEQUENTLY IS ISSUED A CITATION FOR A VIOLATION OF SEC-  
9 TION 709 FOR THE OPERATION OF A MOTOR VEHICLE THAT IS EQUIPPED  
10 WITH IMPROPER WINDOW TREATMENTS HAS A CIVIL RIGHT OF ACTION  
11 AGAINST THE PERSON WHO INSTALLED THE WINDOW OR APPLIED THE WINDOW  
12 TREATMENT TO RECOVER ALL OF THE FOLLOWING FROM THE PERSON WHO  
13 FAILED TO MAKE THE DISCLOSURE:

14       (A) THE COST OF INSTALLING OR APPLYING THE IMPROPER WINDOW  
15 TREATMENT OR WINDOW TO WHICH A WINDOW TREATMENT HAS BEEN  
16 APPLIED.

17       (B) THE COST OF RESTORING THE WINDOWS OF THE MOTOR VEHICLE  
18 TO A CONDITION THAT CONFORMS TO THE REQUIREMENTS OF SECTION 709.

19       (C) \$250.00.

20       (D) REASONABLE ATTORNEY FEES FOR THE PROSECUTION OF THE  
21 ACTION.

22       (5) A CLASS ACTION MAY BE BROUGHT BY EITHER OF THE FOLLOWING  
23 ON BEHALF OF PERSONS RESIDING IN THIS STATE TO ENJOIN A PERSON  
24 FROM VIOLATING THIS SECTION:

25       (A) THE ATTORNEY GENERAL.

26       (B) THE PROSECUTING ATTORNEY OF THE COUNTY IN WHICH THE  
27 PERSON IS VIOLATING THIS SECTION.

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1       (6) AS USED IN THIS SECTION, "PERSON" MEANS AN INDIVIDUAL,  
2 PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY, OR  
3 OTHER LEGAL ENTITY.

4       Enacting section 1. This amendatory act takes effect 90  
5 days after the date of its enactment.