

HOUSE BILL No. 4487
(As passed the Senate, February 13, 2002)

March 20, 2001, Introduced by Reps. Koetje, Raczkowski, DeVuyst, Pappageorge, Bishop, Julian, Wojno, Vear, Patterson, Gosselin and Lemmons and referred to the Committee on Commerce.

A bill to amend 1962 PA 174, entitled
"Uniform commercial code,"
by amending section 2201 (MCL 440.2201).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2201. (1) Except as otherwise provided in this
2 section, a contract for the sale of goods for the price of
3 ~~-\$500.00-~~ \$1,000.00 or more is not enforceable by way of action
4 or defense unless there is ~~some~~ A writing sufficient to indi-
5 cate that a contract for sale has been made between the parties
6 and signed by the party against whom enforcement is sought or by
7 his OR HER authorized agent or broker. A writing is not insuffi-
8 cient because it omits or incorrectly states a term agreed upon
9 but the contract is not enforceable under this ~~paragraph~~
10 SUBSECTION beyond the quantity of goods shown in ~~such~~ THE
11 writing.

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1 (2) Between merchants, if within a reasonable time a writing
2 in confirmation of the contract and sufficient against the sender
3 is received and the party receiving it has reason to know its
4 contents, it satisfies the requirements of subsection (1) against
5 ~~such~~ THE party unless written notice of objection to its con-
6 tents is given within 10 days after it is received.

7 (3) A contract ~~which~~ THAT does not satisfy the require-
8 ments of subsection (1) but ~~which~~ is valid in other respects is
9 enforceable IN ANY OF THE FOLLOWING CIRCUMSTANCES:

10 (a) ~~if~~ IF the goods are to be specially manufactured for
11 the buyer and are not suitable for sale to others in the ordinary
12 course of the seller's business and the seller, before notice of
13 repudiation is received and under circumstances ~~which~~ THAT rea-
14 sonably indicate that the goods are for the buyer, has made
15 either a substantial beginning of their manufacture or commit-
16 ments for their procurement. ~~or~~

17 (b) ~~if~~ IF the party against whom enforcement is sought
18 admits in his OR HER pleading ~~,~~ OR testimony or otherwise in
19 court that a contract for sale was made, but the contract is not
20 enforceable under this ~~provision~~ SECTION beyond the quantity of
21 goods admitted. ~~or~~

22 (c) ~~with~~ WITH respect to goods for which payment has been
23 made and accepted or ~~which~~ THAT have been received and accepted
24 ~~(section 2606)~~ UNDER SECTION 2606.