

HOUSE BILL No. 5933

April 23, 2002, Introduced by Reps. Raczkowski, Stewart, Meyer and Lemmons and referred to the Committee on Commerce.

A bill to amend 1976 PA 449, 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,"

by amending section 10a (MCL 445.360a), as added by 1984 PA 344.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10a. (1) Except as provided in subsection (3), this
2 section applies to a sale at retail ~~which~~ THAT meets all of the
3 following conditions:

4 (a) There is a DISPLAYED price ~~stamped on or affixed to~~
5 FOR the item.

6 (b) The sale is recorded by an automatic checkout system.

7 (c) The buyer is given a receipt ~~which~~ THAT describes the
8 item and states the price charged for the item.

1 (2) Before bringing or joining in an action as provided in
2 section 10(2), within 30 days after purchasing an item, a buyer
3 who suffers loss because the price charged for the item is more
4 than the DISPLAYED price ~~stamped on or affixed to~~ FOR the item
5 shall notify the seller in person or in writing that the price
6 charged is more than the DISPLAYED price. ~~stamped or affixed.~~
7 The notice shall include evidence of the loss suffered by the
8 buyer. If, within 2 days after the notification, the seller
9 tenders to the buyer an amount equal to the difference between
10 the DISPLAYED price ~~stamped or affixed~~ and the price charged,
11 plus an amount equal to 10 times that difference but ~~which~~ THAT
12 is not less than \$1.00 or more than \$5.00, the buyer is barred
13 from any further recovery for that loss. If the loss is suffered
14 by 1 buyer within 1 transaction on 2 or more identical items, the
15 amount ~~to be tendered by~~ the seller ~~shall be~~ MUST TENDER TO
16 BAR THE BUYER FROM FURTHER RECOVERY UNDER SECTION 10(2) IS the
17 difference on each item, plus an amount THAT IS equal to 10 times
18 the difference on a single item but ~~which~~ THAT is not less than
19 \$1.00 and not more than \$5.00. If the seller does not tender
20 this amount, the buyer may bring or join in an action as provided
21 in section 10(2).

22 (3) This section does not apply to a sale at retail in which
23 the seller intentionally charges more for an item than the
24 DISPLAYED price. ~~stamped on or affixed to the item.~~

25 (4) AS USED IN THIS SECTION, "DISPLAYED PRICE" MEANS A PRICE
26 STAMPED UPON OR AFFIXED TO AN ITEM, STAMPED UPON OR AFFIXED TO A

- 1 PACKAGE OR CONTAINER ENCLOSING AN ITEM, OR DISPLAYED TO THE
- 2 PUBLIC NEAR THE AREA WHERE AN ITEM IS AVAILABLE FOR PURCHASE.