

HOUSE BILL No. 6237

July 2, 2002, Introduced by Reps. Schauer and Woodward and referred to the Committee on Commerce.

A bill to amend 1993 PA 92, entitled
"Seller disclosure act,"
by amending the title and section 15 (MCL 565.965) and by adding
section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to require certain disclosures in connection with
3 transfers of residential property; AND TO PROVIDE FOR CERTAIN
4 PENALTIES AND REMEDIES.
5 SEC. 14A. (1) A TRANSFEROR SHALL NOT DELIVER FALSE OR INAC-
6 CURATE INFORMATION TO A TRANSFEREE IN A DISCLOSURE UNDER THIS ACT
7 OR FAIL TO DELIVER TO A TRANSFEREE INFORMATION THAT IS REQUIRED
8 TO BE DELIVERED IN A DISCLOSURE REQUIRED UNDER THIS ACT.

(2) A PERSON WHO KNOWINGLY VIOLATES SUBSECTION (1) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

(3) A TRANSFEREE WHO SUFFERS A LOSS AS A RESULT OF A VIOLATION OF SUBSECTION (1) IN WHICH THE TRANSFEROR KNEW OR SHOULD HAVE KNOWN THAT THE INFORMATION WAS FALSE OR INACCURATE, OR THAT THE INFORMATION WAS REQUIRED TO BE DELIVERED, MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO RECOVER ACTUAL DAMAGES RESULTING FROM THAT VIOLATION OR \$2,500.00, WHICHEVER IS GREATER. ACTUAL DAMAGES INCLUDE THE REASONABLE EXPENSES OF THE TRANSFEREE IN REPAIRING A CONDITION OF THE PROPERTY AS TO WHICH FALSE OR INACCURATE INFORMATION WAS PROVIDED OR INFORMATION WAS OMITTED. A TRANSFEREE MAY ALSO RECOVER REASONABLE ATTORNEY FEES IN AN ACTION UNDER THIS SUBSECTION. AN ACTION UNDER THIS SUBSECTION MAY BE COMMENCED AT ANY TIME WITHIN 2 YEARS AFTER THE TRANSFEREE DISCOVERS THE EXISTENCE OF THE CLAIM.

Sec. 15. An agent of a transferor ~~shall~~ IS not ~~be~~ CIVILLY OR CRIMINALLY liable for any violation of this act by a transferor unless ~~any~~ THE agent knowingly acts in concert with a transferor to violate this act.