

SENATE BILL No. 30

January 21, 2003, Introduced by Senator SWITALSKI and referred to the Committee on
Commerce and Labor.

A bill to amend 1986 PA 87, entitled

"An act regarding warranties on new motor vehicles; to require certain repairs to new motor vehicles; to provide remedies for the failure to repair such vehicles; and to prescribe duties for certain state agencies,"

by amending section 1 (MCL 257.1401), as amended by 1998 PA 486.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Consumer" means 1 or more of the following:

3 (i) A person who purchases or leases a new motor vehicle for
4 personal, family, or household use and not for the purpose of
5 selling or leasing the new motor vehicle to another person.

6 (ii) A person who purchases or leases less than 10 new motor
7 vehicles a year.

8 (iii) A person who purchases or leases 10 or more new motor
9 vehicles a year only if the vehicles are purchased or leased for
10 personal, family, or household use.

1 (iv) Any other person entitled to enforce the provisions of
2 an express warranty pursuant to the terms of that warranty.

3 (b) "Lessee" means a person who, under a lease, acquires the
4 right to possession and use of a new motor vehicle.

5 (c) "Lessor" means a person who, under a lease, transfers the
6 right to possession and use of a new motor vehicle.

7 (d) "Manufacturer" means a person who manufactures,
8 assembles, or is a distributor of new motor vehicles and includes
9 an agent of a manufacturer but does not include a new motor
10 vehicle dealer.

11 (e) "Manufacturer's express warranty" means an express
12 warranty as determined under the uniform commercial code, 1962
13 PA 174, MCL 440.1101 to 440.11102, offered by the manufacturer on
14 a new motor vehicle.

15 (f) "Motor vehicle" means a motor vehicle as defined in
16 section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33,
17 that is designed as a passenger vehicle, **motor home**, or sport
18 utility vehicle, but does not include a ~~motor home~~, bus, truck
19 other than a pickup truck or van, or a vehicle designed to travel
20 on less than 4 wheels.

21 (g) **"Motor home" means a motor home as defined in section 32a**
22 **of the Michigan vehicle code, 1949 PA 300, MCL 257.32a.**

23 (h) ~~-(g)-~~ "New motor vehicle" means a motor vehicle that is
24 purchased or leased in this state or purchased or leased by a
25 resident of this state and is covered by a manufacturer's express
26 warranty at the time of purchase or lease.

27 (i) ~~-(h)-~~ "New motor vehicle dealer" means a person or that

1 person's agent who holds a dealer agreement for the sale of new
 2 motor vehicles, who is engaged in the business of purchasing,
 3 leasing, selling, exchanging, or dealing in new motor vehicles,
 4 and who has an established place of business in this state.

5 (j) ~~-(i)-~~ "Person" means a natural person, ~~-a-~~ sole
 6 proprietorship, partnership, corporation, **limited liability**
 7 **company**, association, unit or agency of government, trust,
 8 estate, or other legal entity.

9 (k) ~~-(j)-~~ "Resident of this state" means ~~as follows~~ **any of**
 10 **the following:**

11 (i) ~~For an individual, an~~ **An** individual who is a legal
 12 resident of this state.

13 (ii) ~~For a sole proprietorship or partnership, a~~ **A** sole
 14 proprietorship or partnership created pursuant to the laws of
 15 this state ~~and its~~ **whose** main office is located in this state.

16 (iii) ~~For a corporation, a~~ **A** corporation that is a domestic
 17 corporation ~~and was~~ created under the laws of this state.

18 (iv) ~~For an association, an~~ **An** association created pursuant
 19 to the laws of this state ~~and its~~ **whose** main office is located
 20 in this state.

21 (v) ~~For a unit or agency of government, a~~ **A** unit or agency
 22 of government located in this state.

23 (vi) ~~For a trust, estate, or other legal entity, a~~ **A** trust,
 24 estate, or other legal entity created pursuant to the laws of
 25 this state and that is located in this state.

26 (l) ~~-(k)-~~ "Lease price" means the actual vehicle sales price
 27 paid by the lessor including any cash payment by the consumer and

1 the sum equal to any allowance for any trade-in but excludes debt
2 from any other transaction as well as any manufacturer to
3 consumer discount, rebate, or incentive appearing in the
4 agreement or contract that the consumer received or that was
5 applied to reduce the purchase or lease cost. Additionally, any
6 sales tax, license and registration fees, and similar government
7 charges not included elsewhere paid by the lessor on behalf of
8 the lessee are included as a part of lease price.

9 (m) ~~-(l)-~~ "Purchase price" means the actual vehicle sales
10 price listed on the buyer's order including any cash payment by
11 the consumer and the sum equal to any allowance for any trade-in
12 but excludes debt from any other transaction as well as any
13 manufacturer to consumer discount, rebate, or incentive appearing
14 in the agreement or contract that the consumer received or that
15 was applied to reduce the purchase cost. Additionally, any sales
16 tax, license and registration fees, and similar government
17 charges not included elsewhere paid by the consumer are included
18 as a part of purchase price.