

ART MULTIPLES SALES ACT (EXCERPT)
Act 40 of 1987

442.359 Information as basis of bargain; express warranty; effect of furnishing name of artist; negating or limiting warranty; defense in action to enforce warranty; information regarding photographs; statement that information not applicable; disclaimer.

Sec. 9. (1) Except as provided in subsection (2), information furnished by an art merchant pursuant to this act shall form a part of the basis of the bargain and shall create an express warranty as to each item of information provided.

(2) If an art merchant furnishes the name of the artist pursuant to section 7 or 8, the art merchant for purposes of that information shall be bound only by section 2 of Act No. 121 of the Public Acts of 1970, being section 442.322 of the Michigan Compiled Laws, except that section shall be considered to include sales to art merchants.

(3) The warranty provided in subsection (1) shall not be negated or limited because the art merchant in the written instrument does not use the words "warrant" or "guarantee", or because the art merchant did not have a specific intention or authorization to make the warranty, or because any required statement is, or purports to be, or may be merely the seller's opinion.

(4) Except as provided in subsection (5), the existence of a basis in fact for information warranted pursuant to this section is not a defense in an action to enforce the warranty.

(5) An art merchant who supplies information under section 5(1)(c) in regard to photographs produced before January 1, 1950, or other multiples produced before January 1, 1900, is in compliance with the requirements of this act if a reasonable basis in fact existed for the information when provided.

(6) A statement made pursuant to section 2(2) that an item of information not supplied is not applicable creates an express warranty that the information is not applicable.

(7) A statement made pursuant to section 2(2) disclaiming knowledge as to an item of information is ineffective unless the disclaimer is clearly, specifically, and categorically stated to be applicable to the specific item, and is contained within the physical context of other language setting forth the required information applicable to a particular multiple.

History: 1987, Act 40, Eff. Dec. 9, 1987.