

## UNIFORM MOBILE HOMES WARRANTY ACT Act 288 of 1974

AN ACT to provide for a warranty relating to mobile homes and the sale thereof.

**History:** 1974, Act 288, Imd. Eff. Oct. 14, 1974.

*The People of the State of Michigan enact:*

### **125.991 Short title.**

Sec. 1. This act shall be known and may be cited as the "Uniform mobile homes warranty act".

**History:** 1974, Act 288, Imd. Eff. Oct. 14, 1974.

### **125.992 Definitions.**

Sec. 2. Unless clearly indicated otherwise by the context the following words and terms when used in this act for the purpose of this act, shall have the following meanings:

(a) "Dealer" means any person, other than the manufacturer as defined in this act, who sells 3 or more mobile homes in any consecutive 12-month period or is licensed by the state as a mobile home dealer.

(b) "Manufacturer" means any person who manufactures mobile homes.

(c) "Mobile home" means a movable or portable unit, designed and constructed to be towed on its own chassis, comprised of a frame and wheels, and designed to be connected to utilities for year-round occupancy as a dwelling unit. Mobile home includes:

(i) A unit containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity.

(ii) A unit composed of 2 or more separately towable components designed to be joined into 1 integral unit capable of being separated again into the components for repeated towing.

(iii) The structure, plumbing, electrical, heating, and fire detection systems installed therein. A mobile home includes the appliances situated therein, unless covered by warranty from the appliance manufacturer, equaling or exceeding the warranty provided herein.

(d) "Purchaser" means the first retail buyer or a transferee or buyer of the first retail buyer.

**History:** 1974, Act 288, Imd. Eff. Oct. 14, 1974.

### **125.993 Warranty; scope.**

Sec. 3. After the effective date of this act, a new mobile home sold by a mobile home dealer situated in this state shall be covered by the warranty hereinafter specified. The warranty shall cover the purchaser of the mobile home and shall respectively apply to the manufacturer of the mobile home and to the dealer who sells the mobile home to the buyer in accordance with the terms of the warranty hereinafter specified.

**History:** 1974, Act 288, Imd. Eff. Oct. 14, 1974.

### **125.994 Warranty; contents.**

Sec. 4. A new mobile home sold by a dealer situated in this state shall be covered by a written warranty from the manufacturer or dealer and shall contain as a minimum, the following terms:

(a) The manufacturer warrants that the mobile home complies with Michigan law, both statute and rule, as to construction and fire protection and detection, in effect at the date of manufacture.

(b) The manufacturer warrants that the mobile home was manufactured free from substantial defects in materials or workmanship and was delivered to the dealer in such condition. A dealer shall warrant that the mobile home when sold to the buyer is free from substantial defects in materials or workmanship. The manufacturer and dealer shall not be liable for a defect in the mobile home which defect is the result of improper setup, move, materials furnished, or work done by a person other than manufacturer or dealer, after the sale, unless the work was performed by persons under contract with or an agent of the manufacturer or dealer.

(c) The manufacturer and dealer warrant that they, or 1 of them, shall take appropriate corrective action at the site of the mobile home in instances of breach of the warranty set forth in subdivision (a) or of a substantial defect in materials or workmanship for which either of them is responsible as provided in subdivision (a) or (b), which defect becomes evident within 1 year from the date of the delivery of the mobile home to the purchaser, if the purchaser gives written notice of the defect to the manufacturer or dealer at their last known business address not later than 1 year and 10 days after date of delivery to the first retail buyer.

**History:** 1974, Act 288, Imd. Eff. Oct. 14, 1974.

### **125.995 Provisions cumulative; waiver.**

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Sec. 5. The required warranty provided for in this act shall be in addition to, and not in derogation of, any other right and privilege which the buyer may have under any other law or instrument. The manufacturer or dealer shall not require the buyer to waive his rights under this act and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

**History:** 1974, Act 288, Imd. Eff. Oct. 14, 1974.

#### **125.996 Treble damages.**

Sec. 6. A manufacturer or dealer who knows or should have known that an alleged defect is covered by the warranty provided by this act and who wilfully or by gross negligence refuses or fails to take appropriate corrective action may be liable for treble damages.

**History:** 1974, Act 288, Imd. Eff. Oct. 14, 1974.