APPLIANCES
Act 317 of 1975

AN ACT to provide for the labeling of appliances; to prohibit certain conduct; to prescribe the powers and duties of the public service commission; to provide for testing of appliances; and to provide for remedies and penalties.

History: 1975, Act 317, Eff. Mar. 31, 1976;—Am. 1978, Act 562, Eff. June 1, 1979.

Compiler's note: For transfer of powers and duties of the public service commission relating to appliances from the public service commission to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

429.351 Definitions.

Sec. 1. As used in this act:

(a) "Appliance" means an item of equipment which provides heating, cooling, cleaning, washing, drying, entertainment, or other services by converting energy in the form of fossil fuels or electricity into thermal energy or work and is generally used in or around a permanent or temporary household or residence, or in a commercial establishment.

(b) "Decorative gas lamp" means a device installed for the purpose of illumination by burning natural, mixed, or liquid propane gas and utilizing either a mantle or an open flame. It does not include a portable gas camp lantern or lamp, or a device installed for the purpose of illumination where electricity is not readily available.

(c) "Energy efficiency" means the energy use of a product relative to its output of services, as determined through test procedures contained or identified in a rule promulgated under this act.

(d) "Energy use" means the energy resources used by a product under conditions of use approximating actual operating conditions insofar as practical, as determined through test procedures contained or identified in a rule promulgated under this act.

(e) "Consumer" means the first person who purchases a new appliance for purposes other than resale.

(f) "Class of appliances" means a group of appliances whose functions or features are similar, and whose range of energy use or energy efficiency may be of interest to consumers.

(g) "Label" means an article of printed matter attached to an appliance or printed material appearing in a catalog from which a product may be purchased by order.

(h) "Commission" means the Michigan public service commission.

(i) "Person" means an individual, corporation, partnership, association, consortium, or an entity organized for a common business purpose.

History: 1975, Act 317, Eff. Mar. 31, 1976;—Am. 1978, Act 562, Eff. June 1, 1979.

Compiler's note: For transfer of powers and duties of the public service commission relating to appliances from the public service commission to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

429.352 Prohibited conduct.

Sec. 2. A person shall not:

(a) Offer for sale or sell to a consumer an appliance required to be labeled under this act unless there is provided with the product a label meeting the requirements of this act.

(b) Offer for sale or sell to a consumer an appliance required to be labeled under this act if the appliance bears a label or other written materials containing false or misleading information as to the energy use or energy efficiency of the appliance.

(c) Misrepresent or falsely advertise, either orally or in writing, the energy use or energy efficiency of an appliance, whether or not the appliance has been required to be labeled under this act.

(d) Remove or alter a label required under this act.

History: 1975, Act 317, Eff. Mar. 31, 1976;—Am. 1978, Act 562, Eff. June 1, 1979;—Am. 1979, Act 22, Imd. Eff. May 30, 1979;—Am. 1980, Act 219, Eff. July 20, 1980.

429.353 Specifications and contents of label.

Sec. 3. A label of energy use and efficiency shall be prominent, readable, and visible to the consumer at time of purchase, and shall include information as specified by federal guidelines.

History: 1975, Act 317, Eff. Mar. 31, 1976.

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429.354 Labeling class of appliances as to energy use and efficiency; adoption and promulgation of rule; affirmative finding as to rule.

Sec. 4. A class of appliances shall be required to be labeled as to energy use and efficiency upon adoption of a rule by the commission requiring that labeling. Such a rule may only be adopted upon the establishment of a voluntary federal program of energy labeling for a class of appliances, and shall be promulgated by the commission pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. Upon promulgation of a rule, the commission shall also make an affirmative finding that the rule will:

(a) Provide consumers with information which will result in significant saving to the consumer and will promote energy conservation to a significant degree.

(b) Be able to be carried out by manufacturers without adding a significant cost burden to the manufacturer or the consumer.

(c) Be reflective of test procedures contained or identified in a specification promulgated by the agency of the federal government administering the voluntary program.

History: 1975, Act 317, Eff. Mar. 31, 1976.

429.355 Periodic information as to electricity and gas rates.

Sec. 5. To implement this act, the commission shall require utilities under its regulation to periodically inform their customers of the rates per kilowatt hour of electricity or per hundred cubic feet of gas.

History: 1975, Act 317, Eff. Mar. 31, 1976.

429.356 Establishment and purpose of testing and computation procedures; hearing; correction of labels; suspension of appliance sales; forwarding evidence of mislabeling.

Sec. 6. The commission shall establish in accordance with the federal guidelines testing and computation procedures for the purpose of verifying the accuracy of information provided on labels. The commission, following a hearing, may order the correction of inaccurate or misleading labels and may order the suspension of sale of an appliance pending completion of corrective measures. The commission shall forward evidence of possible mislabeling to the appropriate federal authority administering energy labeling programs and to the attorney general.

History: 1975, Act 317, Eff. Mar. 31, 1976.

429.357 Violation as misdemeanor.

Sec. 7. A person who violates this act is guilty of a misdemeanor.

History: 1975, Act 317, Eff. Mar. 31, 1976.

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