

PRICING AND ADVERTISING OF CONSUMER ITEMS (EXCERPT)
Act 449 of 1976

***** THIS SECTION IS REPEALED BY ACT 15 OF 2011 EFFECTIVE SEPTEMBER 1, 2011 *****

445.359 Injunction; assurance of discontinuance; notice of violation; penalty; jurisdiction; rules.

Sec. 9. (1) The attorney general may maintain an action to enjoin a continuing violation of this act. If the court finds that the defendant is violating or has violated this act, it shall enjoin him from a continuance of that violation. It shall not be necessary that actual damages to a person be alleged or proved.

(2) A proceeding shall not be instituted for an injunction unless the attorney general has notified the defendant of his intention to seek an injunction if the defendant does not cease and desist or take positive action to cease and desist from continuing to act in violation of this act. The notice shall be given at least 48 hours before the filing of the action. An injunction shall not issue if the defendant has ceased or has taken positive action to cease and desist violating this act, upon receipt of the notice.

(3) The attorney general may accept an assurance of discontinuance of a practice alleged to be in violation of this act from the person engaging in, or who was engaged in, that practice. The assurance of discontinuance shall be in writing and be filed with the clerk of the circuit court of the county in which the alleged violator resides or has his principal place of business. A filing fee shall not be required for the filing of an assurance with the clerk of the circuit court. The assurance of discontinuance shall be signed by the person and shall contain a statement describing the acts or practices for which the assurance of discontinuance is being given and the specific sections of the law prohibiting those acts or practices. The assurance is not an admission of any fact or issue at law.

(4) A prosecuting attorney or law enforcement officer receiving notice of an alleged violation of this act, or of a violation of an injunction, order, decree, or judgment issued in an action brought pursuant to this section, or of an assurance under this act, shall immediately forward written notice of the violation together with any information he may have to the office of the attorney general.

(5) A person who knowingly violates this act or the terms of an injunction, order, decree, or judgment issued pursuant to this section shall forfeit and pay to the state a civil penalty of not more than \$1,000.00 for the first violation and not more than \$5,000.00 for the second and any subsequent violation. For the purposes of this section, the court issuing an injunction, order, decree, or judgment shall retain jurisdiction, the cause shall be continued, and the attorney general may petition for recovery of a civil penalty as provided by this section.

(6) The attorney general may promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, to implement and administer sections 5 to 12 of this act.

History: 1976, Act 449, Eff. Jan. 1, 1978.

Popular name: Scanner Law

Popular name: Item Pricing Act

Administrative rules: R 14.201 et seq. of the Michigan Administrative Code.