

# SENATE BILL No. 654

August 13, 2003, Introduced by Senators SCHAUER, LELAND and GOSCHKA and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1993 PA 92, entitled  
"Seller disclosure act,"  
by amending the title and section 15 (MCL 565.965) and by adding  
section 14a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### TITLE

An act to require certain disclosures in connection with  
transfers of residential property; and to provide for certain  
penalties and remedies.

Sec. 14a. (1) A transferor shall not deliver false or  
inaccurate information to a transferee in a disclosure under this  
act or fail to deliver to a transferee information that is  
required to be delivered in a disclosure required under this  
act.

(2) A person who knowingly violates subsection (1) is guilty

1 of a misdemeanor punishable by imprisonment for not more than 6  
2 months or a fine of not more than \$2,500.00, or both.

3       (3) A transferee who suffers a loss as a result of a  
4 violation of subsection (1) in which the transferor knew or  
5 should have known that the information was false or inaccurate,  
6 or that the information was required to be delivered, may bring  
7 an action in a court of competent jurisdiction to recover actual  
8 damages resulting from that violation or \$2,500.00, whichever is  
9 greater. Actual damages include the reasonable expenses of the  
10 transferee in repairing a condition of the property as to which  
11 false or inaccurate information was provided or information was  
12 omitted. A transferee may also recover reasonable attorney fees  
13 in an action under this subsection. An action under this  
14 subsection may be commenced at any time within 2 years after the  
15 transferee discovers the existence of the claim.

16       Sec. 15. An agent of a transferor ~~shall~~ **is** not ~~be~~  
17 **civilly or criminally** liable for any violation of this act by a  
18 transferor unless ~~any~~ **the** agent knowingly acts in concert with  
19 a transferor to violate this act.