MOTOR VEHICLE INSTALLMENT SALES CONTRACTS Act 305 of 1939

AN ACT to regulate retail installment sales contracts covering motor vehicles; to prescribe penalties for violations of the provisions of this act; and to repeal all acts and parts of acts inconsistent herewith.

History: 1939, Aut 305, Ed. Supt. 29, 1939.

The People of the State of Michigan enact:

566.301 Motor vehicle installment sales contracts; definitions.

Sec. 1. Definition of terms. That in this act unless the context or subject matter otherwise requires:

(a) The term "retail installment sale" means and includes every retail contract to sell a motor vehicle and every retail sale of a motor vehicle to any person (1) in which the cash price of the motor vehicle may be paid installments over a period of time, and (2) in which the seller has taken or retained a security interest in the motor vehicle thereby contracted to be sold.

(b) The term "motor vehicle" means every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices used exclusively upon stationary rails or tracks and excepting also motorcycles, motor bicycles, farm tractors, road rollers and other machinery not designed primarily for highway transportation, but which may incidentally transport persons or property on the highway.

(c) The term "security interest" means a property interest in a motor vehicle which is the subject matter of a retail installment sale limited in extent to securing performance of some obligation of the retail buyer or of some third person to the retail selfer and includes the interest of a most gage of a motor vehicle; interest of the selfer who retains talle to a motor vehicle, whether or not expressed to be absolute, whenever such title is in substance retained for security only; and the interest of a bailor or lessor of a motor vehicle under any contract of bailment or leasing, by which the bailer or lesser contracts to pay as compensation a sum substantially equivalent to the value of the motor vehicle and by which it is agreed that the bailer or lesser is bound to become or has the option of becoming the owner of such motor vehicle upon fall compliance with the terms of the contract.

(d) The term "seller" means a person, who sells or agrees to sell a motor vehicle, or any legal successor in interest of such person.

(e) The term "buyer" means a person who buys or agrees to buy a motor vehicle, or any legal successor in interest of such person.

(f) The term "setail" used in connection with the term "sale" or "contract" refers to and includes any transfer, conveyance, assignment or sale of a motor vehicle to any person other than a registered dealer in motor vehicles whose place of business is located in the state of Michigan or any other dealer in motor vehicles whose place of business is located outside of the state of Michigan when such transfer, conveyance, assignment or sale is made in the ordinary course of the seller's business.

(g) The term "retail installment contract" means any written instrument which is executed in connection with any retail installment sale and includes conditional sales contracts, purchase money chartel mortgages and ballment leases retaining a security interest in the seller.

(h) The term "cash price" means the price measured in dollars agreed upon in good faith by the parties as the consideration for the sale of a motor vehicle which is the subject matter of any retail installment sale, exclusive of all financing or other charges incident to such sale.

(i) The term "down payment" means that part of the cash price in any retail installment sale required by the retail seller to be paid at the time of the execution of the retail installment contract or prior to the delivery of possession of the motor vehicle sold.

(j) The term "finance charge" means any consideration which the retail buyer contracts to pay the retail seller for the privilege of paying the principal balance in installments over a period of time.

6c) The term "person" includes an individual, partnership, corporation and any other association.

(I) The term "finance company" as used in this act shall be deemed to include any person, firm, association or corporation engaged in the ordinary course of its business in purchasing or taking an assignment of or holding retail installment contracts.

The singular of any term shall include the plural thereof and the plural of any term shall include the singular. Each gender shall include each of the other genders.

History: 1939, Act 305, Ell. Sept. 29, 1939, -- CL 1946, 566,501.

566.302 Contract; contents; delivery of copy and insurance policy to buyer.

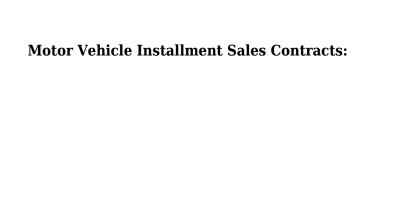
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Table of Contents Motor Vehicle Installment Sales Contracts

- 1. Understanding the eBook Motor Vehicle Installment Sales Contracts
 - The Rise of Digital Reading Motor Vehicle Installment Sales Contracts
 - $\circ\,$ Advantages of eBooks Over Traditional Books
- 2. Identifying Motor Vehicle Installment Sales Contracts
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Motor Vehicle Installment Sales Contracts
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Motor Vehicle Installment Sales Contracts
 - Personalized Recommendations
 - Motor Vehicle Installment Sales Contracts User Reviews and Ratings
 - Motor Vehicle Installment Sales Contracts and Bestseller Lists
- 5. Accessing Motor Vehicle Installment Sales Contracts Free and Paid eBooks
 - Motor Vehicle Installment Sales Contracts Public Domain eBooks
 - Motor Vehicle Installment Sales Contracts eBook Subscription Services

- Motor Vehicle Installment Sales Contracts Budget-Friendly Options
- 6. Navigating Motor Vehicle Installment Sales Contracts eBook Formats
 - o ePub, PDF, MOBI, and More
 - Motor Vehicle Installment Sales Contracts Compatibility with Devices
 - Motor Vehicle Installment Sales Contracts Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Motor Vehicle Installment Sales Contracts
 - Highlighting and Note-Taking Motor Vehicle Installment Sales Contracts
 - Interactive Elements Motor Vehicle Installment Sales Contracts
- 8. Staying Engaged with Motor Vehicle Installment Sales Contracts
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Motor Vehicle Installment Sales Contracts
- 9. Balancing eBooks and Physical Books Motor Vehicle Installment Sales Contracts
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Motor Vehicle Installment Sales Contracts
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Motor Vehicle Installment Sales Contracts
 - Setting Reading Goals Motor Vehicle Installment Sales Contracts
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Motor Vehicle Installment Sales Contracts
 - Fact-Checking eBook Content of Motor Vehicle Installment Sales Contracts
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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