

HOUSE BILL No. 4323

February 16, 2005, Introduced by Reps. Hood, Leland, McConico and Alma Smith and referred to the Committee on Insurance.

A bill to amend 1976 PA 331, entitled
"Michigan consumer protection act,"
by amending section 4 (MCL 445.904), as amended by 2003 PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) This act ~~does not apply to either~~ **APPLIES TO ANY**
2 **UNFAIR, UNCONSCIONABLE, OR DECEPTIVE METHOD, ACT, OR PRACTICE AND**
3 **CREATES A CAUSE OF ACTION AGAINST A COMPANY WHO ENGAGES IN THAT**
4 **METHOD, ACT, OR PRACTICE, EXCEPT FOR ANY** of the following:

5 (a) A ~~transaction or conduct specifically authorized under~~
6 ~~laws administered by a regulatory board or officer acting under~~
7 ~~statutory authority~~ **METHOD, ACT, OR PRACTICE THAT IS EXPRESSLY**
8 **PERMITTED BY A STATUTE, RULE, OR REGULATION** of this state or the

1 United States.

2 (b) An act done by ~~the~~ **A** publisher, owner, agent, or
3 employee of a newspaper, periodical, directory, radio or television
4 station, or other communications medium in the publication or
5 dissemination of an advertisement unless the publisher, owner,
6 agent, or employee knows or, under the circumstances, reasonably
7 should know of the false, misleading, or deceptive character of the
8 advertisement or has a direct financial interest in the sale or
9 distribution of the advertised goods, property, or service.

10 (C) ~~(2)~~ Except for the purposes of an action filed by a
11 person under section 11, ~~this act does not apply to or create a~~
12 ~~cause of action for~~ an unfair, unconscionable, or deceptive
13 method, act, or practice that is made unlawful by any of the
14 following:

15 (i) ~~(a)~~ The banking code of 1999, 1999 PA 276, MCL 487.11101
16 to 487.15105.

17 (ii) ~~(b)~~ 1939 PA 3, MCL 460.1 to 460.10cc.

18 (iii) ~~(c)~~ The motor carrier act, 1933 PA 254, MCL 475.1 to
19 479.43.

20 (iv) ~~(d)~~ The savings bank act, 1996 PA 354, MCL 487.3101 to
21 487.3804.

22 (v) ~~(e)~~ The credit union act, **2003 PA 215, MCL 490.101 TO**
23 **490.601.**

24 ~~———— (3) This act does not apply to or create a cause of action~~
25 ~~for an unfair, unconscionable, or deceptive method, act, or~~
26 ~~practice that is made unlawful by chapter 20 of the insurance code~~
27 ~~of 1956, 1956 PA 218, MCL 500.2001 to 500.2093.~~

1 ~~—— (4) The burden of proving an exemption from this act is upon~~
2 ~~the person claiming the exemption.~~

3 (2) A PERSON WHO CLAIMS THIS ACT DOES NOT APPLY TO A METHOD,
4 ACT, OR PRACTICE BECAUSE OF AN EXCEPTION TO SUBSECTION (1) OR ANY
5 OTHER EXEMPTION FROM THIS ACT BEARS THE BURDEN OF PROVING THAT
6 EXCEPTION OR EXEMPTION.

7 (3) AS USED IN THIS SECTION, "COMPANY" MEANS A PERSON ENGAGED
8 IN TRADE OR COMMERCE, INCLUDING, BUT NOT LIMITED TO, A PERSON WHOSE
9 PROFESSION, OCCUPATION, CONDUCT, OR TRANSACTIONS ARE REGULATED BY A
10 STATUTE, RULE, OR REGULATION OF THIS STATE OR THE UNITED STATES.