

HOUSE BILL No. 4051

January 22, 2009, Introduced by Rep. Bettie Scott 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
9 United States.

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

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

13 (i) ~~(a)~~—The banking code of 1999, 1999 PA 276, MCL 487.11101 to
14 487.15105.

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

16 (iii) ~~(c)~~—The motor carrier act, 1933 PA 254, MCL 475.1 to
17 479.43.

18 (iv) ~~(d)~~—The savings bank act, 1996 PA 354, MCL 487.3101 to
19 487.3804.

20 (v) ~~(e)~~—The credit union act, **2003 PA 215, MCL 490.101 TO**
21 **490.601.**

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

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

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

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