

SUBSTITUTE FOR
SENATE BILL NO. 324

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 102 (MCL 500.102), as amended by 2000 PA 252,
and by adding chapter 12A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. (1) "Commissioner" as used in this act means the
2 ~~commissioner of the office of financial and insurance~~
3 ~~services.~~**DIRECTOR.**

4 (2) "Department" as used in this act means the ~~office of~~
5 ~~financial and insurance services.~~**DEPARTMENT OF INSURANCE AND**
6 **FINANCIAL SERVICES.**

7 (3) "DIRECTOR" AS USED IN THIS ACT, UNLESS THE CONTEXT CLEARLY
8 IMPLIES A DIFFERENT MEANING, MEANS THE DIRECTOR OF THE DEPARTMENT

1 OF INSURANCE AND FINANCIAL SERVICES.

2 CHAPTER 12A

3 SEC. 1261. AS USED IN THIS CHAPTER:

4 (A) "AFFORDABLE CARE ACT" MEANS THE PATIENT PROTECTION AND
5 AFFORDABLE CARE ACT, PUBLIC LAW 111-148, AS AMENDED BY THE HEALTH
6 CARE AND EDUCATION RECONCILIATION ACT OF 2010, PUBLIC LAW 111-152.

7 (B) "AGENT" MEANS AN INSURANCE PRODUCER.

8 (C) "BUSINESS ENTITY" MEANS A CORPORATION, ASSOCIATION,
9 PARTNERSHIP, LIMITED LIABILITY COMPANY, LIMITED LIABILITY
10 PARTNERSHIP, OR OTHER LEGAL ENTITY.

11 (D) "CERTIFICATE" MEANS A DOCUMENT ISSUED BY THE DIRECTOR
12 AUTHORIZING A PERSON TO ACT AS A NAVIGATOR FOR THE QUALIFICATIONS
13 SPECIFIED IN THE DOCUMENT. THE CERTIFICATE ITSELF DOES NOT CREATE
14 ANY ACTUAL, APPARENT, OR INHERENT AUTHORITY IN THE HOLDER TO
15 REPRESENT OR COMMIT AN INSURER.

16 (E) "EXCHANGE" MEANS AN AMERICAN HEALTH BENEFITS EXCHANGE
17 ESTABLISHED OR OPERATING PURSUANT TO THE AFFORDABLE CARE ACT.

18 (F) "HOME STATE" MEANS THE DISTRICT OF COLUMBIA OR ANY STATE
19 OR TERRITORY OF THE UNITED STATES IN WHICH AN INSURANCE PRODUCER
20 MAINTAINS HIS OR HER PRINCIPAL PLACE OF RESIDENCE OR PRINCIPAL
21 PLACE OF BUSINESS AND IS LICENSED TO ACT AS AN INSURANCE PRODUCER.

22 (G) "INSURANCE" MEANS ANY OF THE LINES OF AUTHORITY IN CHAPTER
23 6.

24 (H) "INSURANCE PRODUCER" MEANS A PERSON REQUIRED TO BE
25 LICENSED UNDER THE LAWS OF THIS STATE TO SELL, SOLICIT, OR
26 NEGOTIATE INSURANCE.

27 (I) "NAVIGATOR" MEANS A PERSON THAT RECEIVES ANY FUNDING FROM

1 AN EXCHANGE OR THE FEDERAL GOVERNMENT AND IS DESIGNATED OR SELECTED
2 BY AN EXCHANGE OR THE FEDERAL GOVERNMENT TO PERFORM ANY OF THE
3 DUTIES IDENTIFIED IN 42 USC 18031(I)(3).

4 (J) "NEGOTIATE" MEANS THE ACT OF CONFERRING DIRECTLY WITH OR
5 OFFERING ADVICE DIRECTLY TO A PURCHASER OR PROSPECTIVE PURCHASER OF
6 A PARTICULAR CONTRACT OF INSURANCE CONCERNING ANY OF THE
7 SUBSTANTIVE BENEFITS, TERMS, OR CONDITIONS OF THE CONTRACT,
8 PROVIDED THAT THE PERSON ENGAGED IN THAT ACT EITHER SELLS INSURANCE
9 OR OBTAINS INSURANCE FROM INSURERS FOR PURCHASERS.

10 (K) "SELL" MEANS TO EXCHANGE A CONTRACT OF INSURANCE BY ANY
11 MEANS, FOR MONEY OR ITS EQUIVALENT, ON BEHALF OF AN INSURANCE
12 COMPANY.

13 (L) "SOLICIT" MEANS ATTEMPTING TO SELL INSURANCE OR ASKING OR
14 URGING A PERSON TO APPLY FOR A PARTICULAR KIND OF INSURANCE FROM A
15 PARTICULAR COMPANY.

16 SEC. 1262. (1) AN INDIVIDUAL SHALL NOT ACT AS A NAVIGATOR AS
17 DESCRIBED IN 42 USC 18031(I)(3) UNLESS HE OR SHE IS CERTIFIED WITH
18 THIS STATE AS A NAVIGATOR.

19 (2) UNLESS CERTIFIED AS A NAVIGATOR, AN INDIVIDUAL SHALL NOT
20 RECEIVE FUNDING FROM AN EXCHANGE.

21 (3) A NAVIGATOR SHALL DO ALL OF THE FOLLOWING:

22 (A) CONDUCT PUBLIC EDUCATION ACTIVITIES TO RAISE AWARENESS OF
23 THE AVAILABILITY OF QUALIFIED HEALTH PLANS.

24 (B) DISTRIBUTE FAIR AND IMPARTIAL INFORMATION CONCERNING
25 ENROLLMENT IN ALL QUALIFIED HEALTH PLANS OFFERED WITHIN THE
26 EXCHANGE AND THE AVAILABILITY OF THE PREMIUM TAX CREDITS UNDER
27 SECTION 36B OF THE INTERNAL REVENUE CODE OF 1986, 26 USC 36B, AND

1 COST-SHARING REDUCTION UNDER SECTION 1402 OF THE AFFORDABLE CARE
2 ACT.

3 (C) FACILITATE SELECTION OF A QUALIFIED HEALTH PLAN.

4 (D) PROVIDE REFERRALS TO APPROPRIATE STATE AGENCIES FOR AN
5 ENROLLEE WITH A GRIEVANCE, COMPLAINT, OR QUESTION REGARDING THE
6 ENROLLEE'S HEALTH PLAN, COVERAGE, OR A DETERMINATION UNDER SUCH
7 PLAN COVERAGE.

8 (E) PROVIDE INFORMATION IN A MANNER THAT IS CULTURALLY AND
9 LINGUISTICALLY APPROPRIATE TO THE NEEDS OF THE POPULATION SERVED BY
10 THE EXCHANGE.

11 (4) A NAVIGATOR SHALL NOT DO ANY OF THE FOLLOWING:

12 (A) SELL, SOLICIT, OR NEGOTIATE HEALTH INSURANCE.

13 (B) ENDORSE ANY PARTICULAR HEALTH BENEFIT PLAN OR GROUP OF
14 HEALTH BENEFIT PLANS.

15 (C) PROVIDE ANY INFORMATION OR SERVICES RELATED TO HEALTH
16 BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE.

17 (5) IF AN EXCHANGE IS OPERATIONAL IN THIS STATE, THE DIRECTOR
18 SHALL DETERMINE WHETHER A PROGRAM TO CERTIFY AND TRAIN NAVIGATORS,
19 OTHER THAN A PROGRAM ESTABLISHED BY THIS STATE, PROTECTS THE
20 PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION OF THE
21 RESIDENTS OF THIS STATE UNDER THE LAWS OF THIS STATE. IF THE
22 DIRECTOR DETERMINES THAT THE PROGRAM DOES NOT PROTECT THE RESIDENTS
23 OF THIS STATE UNDER THIS SUBSECTION, THE DIRECTOR SHALL DO ALL OF
24 THE FOLLOWING:

25 (A) ESTABLISH A CERTIFICATION AND TRAINING PROGRAM FOR A
26 PROSPECTIVE NAVIGATOR. THE CERTIFICATION AND TRAINING PROGRAM SHALL
27 INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

1 (i) A CRIMINAL HISTORY CHECK USING THE DEPARTMENT OF STATE
2 POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT).

3 (ii) TRAINING ON COMPLIANCE WITH THE HEALTH INSURANCE
4 PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191, OR
5 REGULATIONS PROMULGATED UNDER THAT ACT, TRAINING ON ETHICS,
6 TRAINING ON PROVISIONS OF THE AFFORDABLE CARE ACT RELATING TO
7 NAVIGATORS, AND ANY NECESSARY STATE-SPECIFIC TRAINING AS DETERMINED
8 BY THE DIRECTOR.

9 (B) DEVELOP AN APPLICATION AND DISCLOSURE FORM BY WHICH A
10 NAVIGATOR SHALL DISCLOSE ANY POTENTIAL CONFLICTS OF INTEREST, AS
11 WELL AS ANY OTHER INFORMATION REQUIRED BY THE DIRECTOR.

12 SEC. 1263. (1) AN INDIVIDUAL APPLYING FOR A NAVIGATOR
13 CERTIFICATE SHALL FILE WITH THE DIRECTOR THE UNIFORM APPLICATION
14 REQUIRED BY THE DIRECTOR AND SHALL DECLARE UNDER PENALTY OF
15 REFUSAL, SUSPENSION, OR REVOCATION OF THE CERTIFICATE THAT THE
16 STATEMENTS MADE IN THE APPLICATION ARE TRUE, CORRECT, AND COMPLETE
17 TO THE BEST OF THE INDIVIDUAL'S KNOWLEDGE AND BELIEF. AN
18 APPLICATION FOR A NAVIGATOR'S CERTIFICATE SHALL NOT BE APPROVED
19 UNLESS THE DIRECTOR FINDS THAT THE INDIVIDUAL MEETS ALL OF THE
20 FOLLOWING:

21 (A) IS AT LEAST 18 YEARS OF AGE.

22 (B) HAS NOT COMMITTED ANY ACT LISTED THAT WOULD BE A GROUND
23 FOR DENIAL, SUSPENSION, OR REVOCATION OF AN INSURANCE PRODUCER'S
24 LICENSE IN SECTION 1239(1).

25 (C) HAS COMPLETED ALL REQUIRED TRAINING COURSES UNDER SECTION
26 1262.

27 (D) HAS PAID THE FEES REQUIRED BY THE DIRECTOR.

1 (E) HAS SUCCESSFULLY PASSED ANY REQUIRED EXAMINATION.

2 (F) HAS SUCCESSFULLY COMPLETED A CRIMINAL HISTORY CHECK UNDER
3 SECTION 1262.

4 (2) A BUSINESS ENTITY ACTING AS A NAVIGATOR SHALL OBTAIN A
5 NAVIGATOR CERTIFICATE. A BUSINESS ENTITY APPLYING FOR A NAVIGATOR
6 CERTIFICATE SHALL FILE WITH THE DIRECTOR THE UNIFORM BUSINESS
7 ENTITY APPLICATION REQUIRED BY THE DIRECTOR. AN APPLICATION FOR A
8 NAVIGATOR CERTIFICATE UNDER THIS SUBSECTION SHALL NOT BE APPROVED
9 UNLESS THE DIRECTOR FINDS THAT THE BUSINESS MEETS ALL OF THE
10 FOLLOWING:

11 (A) THE BUSINESS ENTITY HAS PAID THE FEES REQUIRED BY THE
12 DIRECTOR.

13 (B) THE BUSINESS ENTITY HAS DESIGNATED AN INDIVIDUAL CERTIFIED
14 NAVIGATOR RESPONSIBLE FOR THE BUSINESS ENTITY'S COMPLIANCE WITH
15 THIS STATE'S INSURANCE LAWS, RULES, AND REGULATIONS.

16 (C) THE BUSINESS ENTITY HAS NOT COMMITTED ANY ACT LISTED IN
17 SECTION 1239(1).

18 (2) THE DIRECTOR MAY REQUIRE THE PRODUCTION OF ANY DOCUMENTS
19 REASONABLY NECESSARY TO VERIFY THE INFORMATION CONTAINED IN AN
20 APPLICATION.

21 SEC. 1264. (1) IN ADDITION TO ANY OTHER POWERS UNDER THIS ACT,
22 THE DIRECTOR MAY PLACE ON PROBATION, SUSPEND, OR REVOKE A
23 NAVIGATOR'S CERTIFICATE OR MAY LEVY A CIVIL FINE UNDER SECTION 1270
24 OR ANY COMBINATION OF ACTIONS, AND THE DIRECTOR SHALL REFUSE TO
25 ISSUE A NAVIGATOR CERTIFICATE UNDER SECTION 1263, FOR ANY 1 OR MORE
26 CAUSES THAT WOULD BE A GROUND FOR REFUSAL, SUSPENSION, OR
27 REVOCATION OF AN INSURANCE PRODUCER'S LICENSE UNDER SECTION 1239.

1 BEGINNING OCTOBER 1, 2013, THE DIRECTOR SHALL REVOKE A NAVIGATOR
2 CERTIFICATE OF ANY PERSON OR REFUSE TO ISSUE A NAVIGATOR
3 CERTIFICATE FOR A PERSON THAT RECEIVES FINANCIAL COMPENSATION,
4 INCLUDING MONETARY AND IN-KIND COMPENSATION, GIFTS, OR ANY
5 COMPENSATION RELATED TO ENROLLMENT FROM AN INSURER OFFERING
6 QUALIFIED HEALTH BENEFITS THROUGH AN EXCHANGE OPERATING IN THIS
7 STATE. THE DIRECTOR MAY DENY, SUSPEND, APPROVE, RENEW, OR REVOKE
8 THE CERTIFICATE OF A NAVIGATOR IF THE DIRECTOR CONSIDERS IT
9 NECESSARY TO PROTECT INSUREDS AND THE PUBLIC.

10 (2) THE NAVIGATOR CERTIFICATE OF A BUSINESS ENTITY MAY BE
11 SUSPENDED, REVOKED, OR REFUSED IF THE DIRECTOR FINDS, AFTER
12 HEARING, THAT AN INDIVIDUAL NAVIGATOR'S VIOLATION WAS KNOWN OR
13 SHOULD HAVE BEEN KNOWN BY 1 OR MORE OF THE PARTNERS, OFFICERS, OR
14 MANAGERS ACTING ON BEHALF OF THE BUSINESS ENTITY AND THE VIOLATION
15 WAS NEITHER REPORTED TO THE DIRECTOR NOR CORRECTIVE ACTION TAKEN.

16 (3) THE DIRECTOR MAY EXAMINE THE BOOKS AND RECORDS OF A
17 NAVIGATOR TO DETERMINE WHETHER THE NAVIGATOR IS CONDUCTING ITS
18 BUSINESS IN ACCORDANCE WITH THIS CHAPTER. FOR THE PURPOSE OF
19 FACILITATING THE EXAMINATION, THE NAVIGATOR SHALL ALLOW THE
20 DIRECTOR FREE ACCESS, AT REASONABLE TIMES, TO ALL OF THE
21 NAVIGATOR'S BOOKS AND RECORDS RELATING TO TRANSACTIONS TO WHICH
22 THIS CHAPTER APPLIES.

23 SEC. 1265. A BUSINESS ENTITY CERTIFIED AS A NAVIGATOR SHALL,
24 IN A MANNER PRESCRIBED BY THE DIRECTOR, MAKE AVAILABLE A LIST OF
25 ALL INDIVIDUAL NAVIGATORS THAT THE BUSINESS ENTITY EMPLOYS OR
26 SUPERVISES OR WITH WHICH THE BUSINESS ENTITY IS OTHERWISE
27 AFFILIATED.

1 SEC. 1266. A BUSINESS ENTITY THAT TERMINATES THE EMPLOYMENT,
2 ENGAGEMENT, AFFILIATION, OR OTHER RELATIONSHIP WITH AN INDIVIDUAL
3 NAVIGATOR SHALL NOTIFY THE DIRECTOR USING A FORMAT PRESCRIBED BY
4 THE DIRECTOR OF THE TERMINATION WITHIN 30 DAYS FOLLOWING THE
5 EFFECTIVE DATE OF THE TERMINATION IF THE REASON FOR TERMINATION IS
6 1 OF THE REASONS LISTED IN SECTION 1239 OR THE BUSINESS ENTITY HAS
7 KNOWLEDGE THE INDIVIDUAL NAVIGATOR WAS FOUND BY A COURT OR
8 GOVERNMENT BODY TO HAVE ENGAGED IN ANY OF THE ACTIVITIES LISTED IN
9 SECTION 1239.

10 SEC. 1268. (1) WHEN APPLYING FOR A CERTIFICATE TO ACT AS A
11 NAVIGATOR, THE APPLICANT SHALL REPORT HIS OR HER MAILING AND
12 ELECTRONIC MAIL ADDRESS TO THE DIRECTOR. A NAVIGATOR SHALL NOTIFY
13 THE DIRECTOR OF ANY CHANGE IN HIS OR HER MAILING OR ELECTRONIC MAIL
14 ADDRESS WITHIN 30 DAYS AFTER THE CHANGE. THE DIRECTOR SHALL
15 MAINTAIN THE MAILING AND ELECTRONIC MAIL ADDRESS OF EACH NAVIGATOR
16 ON FILE.

17 (2) A NOTICE OF HEARING OR SERVICE OF PROCESS MAY BE SERVED
18 UPON A NAVIGATOR IN ANY ACTION OR PROCEEDING FOR A VIOLATION OF
19 THIS ACT BY MAILING THE NOTICE OR PROCESS BY FIRST-CLASS MAIL TO
20 THE NAVIGATOR'S MAILING ADDRESS REPORTED TO THE DIRECTOR UNDER
21 SUBSECTION (1).

22 SEC. 1269. (1) THE DIRECTOR SHALL REFUSE TO GRANT A
23 CERTIFICATE TO ACT AS A NAVIGATOR TO AN APPLICANT WHO FAILS TO MEET
24 THE REQUIREMENTS OF THIS CHAPTER. NOTICE OF THE REFUSAL SHALL BE IN
25 WRITING AND SHALL SET FORTH THE BASIS FOR THE REFUSAL. IF THE
26 APPLICANT SUBMITS A WRITTEN REQUEST WITHIN 30 DAYS AFTER MAILING OF
27 THE NOTICE OF REFUSAL, THE DIRECTOR SHALL PROMPTLY CONDUCT A

1 HEARING IN WHICH THE APPLICANT SHALL BE GIVEN AN OPPORTUNITY TO
2 SHOW COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.

3 (2) THE DIRECTOR, AFTER NOTICE OF AND OPPORTUNITY FOR A
4 HEARING, MAY SUSPEND OR REVOKE THE CERTIFICATE OF A NAVIGATOR WHO
5 FAILS TO MAINTAIN THE STANDARDS REQUIRED FOR INITIAL CERTIFICATION
6 OR WHO VIOLATES ANY PROVISION OF THIS ACT.

7 (3) WITHOUT PRIOR HEARING, THE DIRECTOR MAY ORDER SUMMARY
8 SUSPENSION OF A CERTIFICATE IF HE OR SHE FINDS THAT PROTECTION OF
9 THE PUBLIC REQUIRES EMERGENCY ACTION AND INCORPORATES THIS FINDING
10 IN HIS OR HER ORDER. THE SUSPENSION SHALL BE EFFECTIVE ON THE DATE
11 SPECIFIED IN THE ORDER OR UPON SERVICE OF A CERTIFIED COPY OF THE
12 ORDER ON THE CERTIFICATE HOLDER, WHICHEVER IS LATER. IF REQUESTED,
13 THE DIRECTOR SHALL CONDUCT A HEARING ON THE SUSPENSION WITHIN A
14 REASONABLE TIME BUT NOT LATER THAN 20 DAYS AFTER THE EFFECTIVE DATE
15 OF THE SUMMARY SUSPENSION UNLESS THE PERSON WHOSE CERTIFICATE IS
16 SUSPENDED REQUESTS A LATER DATE. AT THE HEARING, THE DIRECTOR SHALL
17 DETERMINE IF THE SUSPENSION SHOULD BE CONTINUED OR IF THE
18 SUSPENSION SHOULD BE WITHDRAWN, AND, IF PROPER NOTICE IS GIVEN, MAY
19 DETERMINE IF THE CERTIFICATE SHOULD BE REVOKED. THE DIRECTOR SHALL
20 ANNOUNCE HIS OR HER DECISION WITHIN 30 DAYS AFTER CONCLUSION OF THE
21 HEARING. THE SUSPENSION SHALL CONTINUE UNTIL THE DECISION IS
22 ANNOUNCED.

23 (4) THE DIRECTOR, OR HIS OR HER DESIGNATED DEPUTY, MAY ISSUE
24 SUBPOENAS TO REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND
25 THE PRODUCTION OF DOCUMENTS NECESSARY TO THE CONDUCT OF THE HEARING
26 AND MAY DESIGNATE A DEPARTMENT EMPLOYEE TO MAKE SERVICE. THE
27 SUBPOENAS ISSUED BY THE DIRECTOR, OR HIS OR HER DESIGNATED DEPUTY,

1 MAY BE ENFORCED UPON PETITION TO THE CIRCUIT COURT OF INGHAM COUNTY
2 TO SHOW CAUSE WHY A CONTEMPT ORDER SHOULD NOT BE ISSUED, AS
3 PROVIDED BY LAW.

4 SEC. 1270. (1) IF THE DIRECTOR FINDS THAT A PERSON HAS
5 VIOLATED THIS CHAPTER, AFTER AN OPPORTUNITY FOR A HEARING PURSUANT
6 TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
7 24.201 TO 24.328, THE DIRECTOR SHALL REDUCE THE FINDINGS AND
8 DECISION TO WRITING AND SHALL ISSUE AND CAUSE TO BE SERVED UPON THE
9 PERSON CHARGED WITH THE VIOLATION A COPY OF THE FINDINGS AND AN
10 ORDER REQUIRING THE PERSON TO CEASE AND DESIST FROM THE VIOLATION.
11 IN ADDITION, THE DIRECTOR MAY ORDER ANY OF THE FOLLOWING:

12 (A) PAYMENT OF A CIVIL FINE OF NOT MORE THAN \$500.00 FOR EACH
13 VIOLATION. HOWEVER, IF THE PERSON KNEW OR REASONABLY SHOULD HAVE
14 KNOWN THAT HE OR SHE WAS IN VIOLATION OF THIS CHAPTER, THE DIRECTOR
15 MAY ORDER THE PAYMENT OF A CIVIL FINE OF NOT MORE THAN \$2,500.00
16 FOR EACH VIOLATION. AN ORDER OF THE DIRECTOR UNDER THIS SUBSECTION
17 SHALL NOT REQUIRE THE PAYMENT OF CIVIL FINES EXCEEDING \$25,000.00.
18 A FINE COLLECTED UNDER THIS SUBDIVISION SHALL BE TURNED OVER TO THE
19 STATE TREASURER AND CREDITED TO THE GENERAL FUND OF THE STATE.

20 (B) THE SUSPENSION OR REVOCATION OF THE PERSON'S NAVIGATOR
21 CERTIFICATE.

22 (2) THE DIRECTOR MAY BY ORDER, AFTER NOTICE AND OPPORTUNITY
23 FOR HEARING, REOPEN AND ALTER, MODIFY, OR SET ASIDE, IN WHOLE OR IN
24 PART, AN ORDER ISSUED UNDER THIS SECTION, IF IN THE OPINION OF THE
25 DIRECTOR CONDITIONS OF FACT OR OF LAW HAVE CHANGED TO REQUIRE THAT
26 ACTION, OR IF THE PUBLIC INTEREST REQUIRES THAT ACTION.

27 (3) IF A PERSON KNOWINGLY VIOLATES A CEASE AND DESIST ORDER

1 UNDER THIS CHAPTER AND HAS BEEN GIVEN NOTICE AND AN OPPORTUNITY FOR
2 A HEARING HELD PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF
3 1969, 1969 PA 306, MCL 24.201 TO 24.328, THE DIRECTOR MAY ORDER A
4 CIVIL FINE OF NOT MORE THAN \$10,000.00 FOR EACH VIOLATION, OR A
5 SUSPENSION OR REVOCATION OF THE PERSON'S NAVIGATOR CERTIFICATE, OR
6 BOTH. AN ORDER ISSUED BY THE DIRECTOR PURSUANT TO THIS SUBSECTION
7 SHALL NOT REQUIRE THE PAYMENT OF CIVIL FINES EXCEEDING \$50,000.00.
8 A FINE COLLECTED UNDER THIS SUBSECTION SHALL BE TURNED OVER TO THE
9 STATE TREASURER AND CREDITED TO THE GENERAL FUND OF THE STATE.

10 (4) THE DIRECTOR MAY APPLY TO THE CIRCUIT COURT OF INGHAM
11 COUNTY FOR AN ORDER OF THE COURT ENJOINING A VIOLATION OF THIS
12 CHAPTER.

13 SEC. 1271. THIS CHAPTER DOES NOT AUTHORIZE OR SHALL NOT BE
14 CONSTRUED TO AUTHORIZE THE ESTABLISHMENT OR OPERATION OF AN
15 AMERICAN HEALTH BENEFIT EXCHANGE IN THIS STATE PURSUANT TO THE
16 PATIENT PROTECTION AND AFFORDABLE CARE ACT, PUBLIC LAW 111-148, AS
17 AMENDED BY THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF
18 2010, PUBLIC LAW 111-152.