

# HOUSE BILL No. 4632

March 21, 1991, Introduced by Reps. Saunders, Harrison, Perry Bullard, Murphy, Bennane, Kilpatrick, Joe Young, Sr., DeMars, Clack, Stallworth, Wallace, Joe Young, Jr., Owen, Harder, Emerson, Kosteva, Gubow, Jondahl, Scott, Hollister, Berman, Barns, Hood and Varga and referred to the Committee on Insurance.

A bill to amend section 4 of Act No. 331 of the Public Acts of 1976, entitled  
"Michigan consumer protection act,"  
being section 445.904 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 331 of the Public Acts of  
2 1976, being section 445.904 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 4. (1) This act shall not apply to:

5 (a) A transaction or conduct specifically authorized under  
6 laws administered by a regulatory board or officer acting under  
7 statutory authority of this state or the United States.

8 (b) An act done by the publisher, owner, agent, or employee  
9 of a newspaper, periodical, directory, radio or television  
10 station, or other communications medium in the publication or

1 dissemination of an advertisement unless the publisher, owner,  
 2 agent, or employee knows or, under the circumstances, reasonably  
 3 should know of the false, misleading, or deceptive character of  
 4 the advertisement or has a direct financial interest in the sale  
 5 or distribution of the advertised goods, property, or service.

6 (2) Except for the purposes of an action filed by a person  
 7 under section 11, this act shall not apply to an unfair, uncon-  
 8 scionable, or deceptive method, act, or practice ~~which~~ THAT is  
 9 made unlawful by:

10 (a) ~~Chapter~~ FOR HEALTH INSURERS ONLY, CHAPTER 20 of Act  
 11 No. 218 of the Public Acts of 1956, as amended, being sections  
 12 500.2001 to 500.2093 of the Michigan Compiled Laws.

13 (b) THE BANKING CODE OF 1969, Act No. 319 of the Public Acts  
 14 of 1969, as amended, being sections 487.301 to 487.598 of the  
 15 Michigan Compiled Laws.

16 (c) Act No. 3 of the Public Acts of 1939, as amended, being  
 17 sections 460.1 to 460.8 of the Michigan Compiled Laws.

18 (d) Act No. 254 of the Public Acts of 1933, as amended,  
 19 being sections 475.1 to ~~479.49~~ 479.20 of the Michigan Compiled  
 20 Laws.

21 (e) ~~Act No. 108 of the Public Acts of 1939, as amended,~~  
 22 ~~being sections 550.301 to 550.316 of the Michigan Compiled Laws.~~

23 THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT, ACT NO. 350 OF  
 24 THE PUBLIC ACTS OF 1980, BEING SECTIONS 550.1101 TO 550.1704 OF  
 25 THE MICHIGAN COMPILED LAWS.

26 (f) ~~Act No. 109 of the Public Acts of 1939, as amended,~~  
 27 ~~being sections 550.501 to 550.517 of the Michigan Compiled Laws.~~

1 SECTIONS 21001 TO 21098 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF  
2 THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.21001 TO 333.21098 OF  
3 THE MICHIGAN COMPILED LAWS.

4 ~~(g) Act No. 264 of the Public Acts of 1974, being sections~~  
5 ~~325.901 to 325.947 of the Michigan Compiled Laws.~~

6 (G) ~~(h)~~ Act No. 125 of the Public Acts of 1963, being sec-  
7 tions 550.351 to 550.373 of the Michigan Compiled Laws.

8 (3) The burden of proving an exemption from this act is upon  
9 the person claiming the exemption.

10 Section 2. This amendatory act shall take effect January 1,  
11 1992.