

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4598**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 219f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 219F. (1) A PERSON SHALL NOT RECEIVE WITH THE INTENT
2 TO FORWARD, POSSESS WITH THE INTENT TO FORWARD, OR FORWARD AN
3 APPLICATION FOR A LOAN OR OTHER EXTENSION OF CREDIT ON BEHALF OF
4 A PERSON TO ANOTHER PERSON KNOWING OR HAVING REASON TO KNOW THE
5 APPLICATION HAS BEEN PREPARED OR IS BEING SUBMITTED IN VIOLATION
6 OF THIS CHAPTER.

7 (2) A PERSON SHALL NOT RECEIVE WITH THE INTENT TO FORWARD,
8 POSSESS WITH THE INTENT TO FORWARD, OR FORWARD TO ANOTHER PERSON
9 ANY INSTRUMENT OR DEVICE FOR ACCESSING THE PROCEEDS OF A LOAN OR
10 OTHER EXTENSION OF CREDIT KNOWING OR HAVING REASON TO KNOW THE

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1 INSTRUMENT OR DEVICE WAS OBTAINED AS A RESULT OF A VIOLATION OF
2 THIS CHAPTER.

3 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
4 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
5 NOT MORE THAN \$100,000.00, OR BOTH.

6 (4) SUBSECTIONS (1) AND (2) DO NOT APPLY TO A FINANCIAL
7 INSTITUTION OR AN AFFILIATE, LICENSEE, OR FRANCHISEE OF A FINAN-
8 CIAL INSTITUTION OR TO A DIRECTOR, OFFICER, OR EMPLOYEE OF A
9 FINANCIAL INSTITUTION OR AN AFFILIATE, LICENSEE, OR FRANCHISEE OF
10 A FINANCIAL INSTITUTION WHO DOES ANY OF THE FOLLOWING:

11 (A) RECEIVES WITH THE INTENT TO FORWARD, POSSESSES WITH THE
12 INTENT TO FORWARD, OR FORWARDS AN APPLICATION IN ANOTHER PERSON'S
13 NAME WITHOUT PRIOR ACTUAL KNOWLEDGE THAT THE APPLICATION WAS PRE-
14 PARED IN VIOLATION OF THIS CHAPTER.

15 (B) FORWARDS AN APPLICATION PREPARED IN ANOTHER PERSON'S
16 NAME TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY OR
17 REGULATORY AGENCY.

18 (C) FORWARDS AN APPLICATION PREPARED IN ANOTHER PERSON'S
19 NAME TO A CREDIT REPORTING BUREAU OR OTHER PERSON TO DETERMINE
20 WHETHER THE APPLICATION WAS PREPARED IN VIOLATION OF SUBSECTION
21 (1) OR ANY OTHER LAW OR REGULATION.

22 (D) RECEIVES WITH INTENT TO FORWARD, POSSESSES WITH INTENT
23 TO FORWARD, OR FORWARDS AN INSTRUMENT OR DEVICE WITHOUT PRIOR
24 ACTUAL KNOWLEDGE THAT THE INSTRUMENT OR DEVICE WAS OBTAINED AS A
25 RESULT OF A VIOLATION OF THIS CHAPTER.

26 (5) AS USED IN THIS SECTION, "FINANCIAL INSTITUTION" MEANS
27 ANY OF THE FOLLOWING:

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1 (A) A REGULATED LENDER AS DEFINED IN SECTION 2 OF THE CREDIT
2 REFORM ACT, 1995 PA 162, MCL 445.1852.

3 (B) A PERSON LICENSED UNDER THE MICHIGAN BIDCO ACT, 1986 PA
4 89, MCL 487.1101 TO 487.2001.

5 (C) A PERSON LICENSED OR REGISTERED UNDER THE MORTGAGE BRO-
6 KERS, LENDERS, AND SERVICERS LICENSING ACT, 1987 PA 173, MCL
7 445.1651 TO 445.1684.

8 (D) A PERSON LICENSED OR REGISTERED UNDER THE SECONDARY
9 MORTGAGE LOAN ACT, 1981 PA 125, MCL 493.51 TO 493.81.

10 (E) A PERSON SUBJECT TO THE RETAIL INSTALLMENT SALES ACT,
11 1966 PA 224, MCL 445.851 TO 445.873.

12 (F) A PERSON SUBJECT TO THE MOTOR VEHICLE SALES FINANCE ACT,
13 1950 PA 27, MCL 492.101 TO 492.141.

14 (G) A PERSON CHARTERED OR REGULATED BY THE OFFICE OF THE
15 COMPTROLLER OF THE CURRENCY, THE FEDERAL DEPOSIT INSURANCE CORPO-
16 RATION, THE FEDERAL RESERVE, OR THE OFFICE OF THRIFT MANAGEMENT.

17 Enacting section 1. This amendatory act takes effect 90
18 days after the date it is enacted.

19 Enacting section 2. This amendatory act does not take
20 effect unless House Bill No. 4413 of the 90th Legislature is
21 enacted into law.