

SENATE BILL No. 1463

September 19, 2006, Introduced by Senators SCOTT, CHERRY, WHITMER, JACOBS, CLARK-COLEMAN and SCHAUER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
 "The Michigan penal code,"
 by amending section 219e (MCL 750.219e), as added by 1999 PA 164.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 219e. (1) Except as otherwise provided by law, a person
 2 shall not do any of the following:

3 (a) Prepare or submit an application for a loan or other
 4 extension of credit ~~in~~ **WITH** another person's ~~name~~ **IDENTITY**
 5 **INFORMATION** without authorization from that other person.

6 (b) Receive or possess an application for a loan or other
 7 extension of credit knowing or having reason to know the
 8 application was prepared or submitted in violation of subsection
 9 (1).

10 (c) Receive or possess any instrument or device for accessing

1 the proceeds of a loan or other extension of credit knowing or
2 having reason to know the instrument or device was obtained as a
3 result of a violation of subsection (1).

4 (2) A person who violates this section is guilty of a felony
5 punishable by imprisonment for not more than 4 years or a fine of
6 not more than \$2,500.00, or both.

7 (3) Subsection (1) does not apply to a financial institution
8 or an affiliate, licensee, or franchisee of a financial institution
9 or to a director, officer, or employee of a financial institution
10 or an affiliate, licensee, or franchisee of a financial institution
11 who does any of the following:

12 (a) Prepares or submits an application ~~in~~ **WITH** another
13 person's ~~name~~ **IDENTITY INFORMATION** without prior actual knowledge
14 that the application is being prepared or was prepared in violation
15 of subsection (1).

16 (b) Submits an application prepared ~~in~~ **WITH** another person's
17 ~~name~~ **IDENTITY INFORMATION** to a federal, state, or local law
18 enforcement agency or regulatory agency.

19 (c) Submits an application prepared ~~in~~ **WITH** another person's
20 ~~name~~ **IDENTITY INFORMATION** to a credit reporting bureau or other
21 person to determine whether the application was prepared in
22 violation of subsection (1) or any other law or regulation.

23 (d) Receives or possesses an application prepared ~~in~~ **WITH**
24 another person's ~~name~~ **IDENTITY INFORMATION** without prior actual
25 knowledge that the application was prepared in violation of
26 subsection (1).

27 (e) Receives or possesses an instrument or device obtained as

1 a result of a violation of subsection (1) without prior actual
2 knowledge that the instrument or device was obtained as a result of
3 a violation of subsection (1).

4 (4) As used in this section, "financial institution" means any
5 of the following:

6 (a) A regulated lender as defined in section 2 of the credit
7 reform act, 1995 PA 162, MCL 445.1852.

8 (b) A person licensed under the Michigan BIDCO act, 1986 PA
9 89, MCL 487.1101 to 487.2001.

10 (c) A person licensed or registered under the mortgage
11 brokers, lenders, and servicers licensing act, 1987 PA 173, MCL
12 445.1651 to 445.1684.

13 (d) A person licensed or registered under the secondary
14 mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81.

15 (e) A person subject to the retail installment sales act, 1966
16 PA 224, MCL 445.851 to 445.873.

17 (f) A person subject to the motor vehicle sales finance act,
18 1950 (**EX SESS**) PA 27, MCL 492.101 to 492.141.

19 (g) A person chartered or regulated by the office of the
20 comptroller of the currency, the federal deposit insurance
21 corporation, the federal reserve, or the office of thrift
22 management.