

HOUSE BILL No. 5022

July 10, 2007, Introduced by Rep. Robert Jones and referred to the Committee on Commerce.

A bill to amend 1994 PA 160, entitled
"Credit services protection act,"
by amending section 2 (MCL 445.1822).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Buyer" means a person who is solicited to purchase or who
3 purchases the services of a credit services organization.

4 (b) "Credit services organization" means, except as otherwise
5 provided in subdivision (c), a person who, in return for
6 consideration, attempts to sell, provide, or perform 1 or more of
7 the following:

8 (i) The improvement of a person's credit record, history, or
9 rating.

10 (ii) The obtainment of an extension of credit.

1 (iii) Advice or assistance regarding the improvement or repair
2 of a person's credit record, history, or rating.

3 (iv) Advice or assistance regarding the obtainment of an
4 extension of credit.

5 (v) Advice or assistance regarding foreclosure of a real
6 estate mortgage.

7 (vi) Serve as an intermediate between a debtor and a creditor
8 on behalf of the debtor regarding credit that was extended prior to
9 any agreement to have the credit services organization serve as an
10 intermediate.

11 (c) Credit services organization does not include any of the
12 following:

13 (i) A person who is licensed in this state or otherwise
14 authorized to make loans or extend credit under any state statute
15 while engaged in the regular course of business under that state
16 statute, other than ~~Act No. 326 of the Public Acts of 1966, being~~
17 ~~sections 438.31 to 438.33 of the Michigan Compiled Laws 1966 PA~~
18 **326, MCL 438.31 TO 438.33.**

19 (ii) A federal or state chartered bank, credit union, savings
20 bank, or savings and loan institution, an entity of the federally
21 chartered farm credit system, or any solely owned subsidiary
22 thereof.

23 (iii) A person licensed under the occupational code, ~~Act No. 299~~
24 ~~of the Public Acts of 1980, being sections 339.101 to 339.2721 of~~
25 ~~the Michigan Compiled Laws 1980 PA 299, MCL 339.101 TO 339.2721,~~
26 when engaged in the regular course of business.

27 (iv) A person licensed to practice law in this state if the

1 person renders services within the course of that person's practice
2 as an attorney and does not engage in the business of a credit
3 services organization on a regular and continuing basis.

4 (v) A judicial officer or other person acting under court
5 order.

6 (vi) A consumer reporting agency, as defined in section 603 of
7 the fair credit reporting act, ~~title VI of the consumer credit~~
8 ~~protection act, Public Law 90-321, 15 U.S.C. 15 USC 1681a,~~ while
9 engaged in the regular course of the credit reporting business.

10 (vii) A debt management business licensed under the debt
11 management act, ~~Act No. 148 of the Public Acts of 1975, being~~
12 ~~sections 451.411 to 451.437 of the Michigan Compiled Laws 1975 PA~~
13 **148, MCL 451.411 TO 451.437,** while engaged in the regular course of
14 business under ~~the debt management~~ **THAT** act.

15 (viii) An investment adviser or broker-dealer registered under
16 the uniform securities act, ~~Act No. 265 of the Public Acts of 1964,~~
17 ~~being sections 451.501 to 451.818 of the Michigan Compiled Laws~~
18 **1964 PA 265, MCL 451.501 TO 451.818, OR THE UNIFORM SECURITIES ACT**
19 **(2002), MCL 451.2101 TO 451.2703.**

20 (ix) A nonprofit corporation that is exempt from taxation under
21 section 501c(3) of the ~~United States~~ internal revenue code, ~~title~~
22 ~~26 U.S.C. USC 501c(3).~~

23 (x) A finance subsidiary of a manufacturing corporation.

24 (d) "Extension of credit" means the right to defer payment of
25 debt or to incur debt.

26 (e) "Person" means an individual, partnership, corporation,
27 **LIMITED LIABILITY COMPANY,** association, or other legal entity.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 5008(request no.
3 00420'07) of the 94th Legislature is enacted into law.