

SENATE BILL No. 417

June 8, 2011, Introduced by Senator HOOD and referred to the Committee on Insurance.

A bill to amend 1976 PA 331, entitled
"Michigan consumer protection act,"
by amending section 4 (MCL 445.904), as amended by 2003 PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) This act ~~does not apply to either~~ **APPLIES TO ANY**
2 **UNFAIR, UNCONSCIONABLE, OR DECEPTIVE METHOD, ACT, OR PRACTICE AND**
3 **CREATES A CAUSE OF ACTION AGAINST A COMPANY WHO ENGAGES IN THAT**
4 **METHOD, ACT, OR PRACTICE, EXCEPT FOR ANY** of the following:

5 (a) A ~~transaction or conduct specifically authorized under~~
6 ~~laws administered by a regulatory board or officer acting under~~
7 ~~statutory authority~~ **METHOD, ACT, OR PRACTICE THAT IS EXPRESSLY**
8 **PERMITTED BY A STATUTE, RULE, OR REGULATION** of this state or the
9 United States.

10 (b) An act done by ~~the~~ **A** publisher, owner, agent, or employee
11 of a newspaper, periodical, directory, radio or television station,

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

7 (C) ~~(2)~~ Except for the purposes of an action filed by a person
 8 under section 11, ~~this act does not apply to or create a cause of~~
 9 ~~action for~~ an unfair, unconscionable, or deceptive method, act, or
 10 practice that is made unlawful by any of the following:

11 (i) ~~(a)~~ The banking code of 1999, 1999 PA 276, MCL 487.11101 to
 12 487.15105.

13 (ii) ~~(b)~~ 1939 PA 3, MCL 460.1 to ~~460.10ee~~ **460.11**.

14 (iii) ~~(c)~~ The motor carrier act, 1933 PA 254, MCL 475.1 to
 15 479.43.

16 (iv) ~~(d)~~ The savings bank act, 1996 PA 354, MCL 487.3101 to
 17 487.3804.

18 (v) ~~(e)~~ The credit union act, **2003 PA 215, MCL 490.101 TO**
 19 **490.601**.

20 ~~—— (3) This act does not apply to or create a cause of action for~~
 21 ~~an unfair, unconscionable, or deceptive method, act, or practice~~
 22 ~~that is made unlawful by chapter 20 of the insurance code of 1956,~~
 23 ~~1956 PA 218, MCL 500.2001 to 500.2093.~~

24 ~~—— (4) The burden of proving an exemption from this act is upon~~
 25 ~~the person claiming the exemption.~~

26 (2) A PERSON WHO CLAIMS THIS ACT DOES NOT APPLY TO A METHOD,
 27 ACT, OR PRACTICE BECAUSE OF AN EXCEPTION TO SUBSECTION (1) OR ANY

1 OTHER EXEMPTION FROM THIS ACT BEARS THE BURDEN OF PROVING THAT
2 EXCEPTION OR EXEMPTION.

3 (3) AS USED IN THIS SECTION, "COMPANY" MEANS A PERSON ENGAGED
4 IN TRADE OR COMMERCE, INCLUDING, BUT NOT LIMITED TO, A PERSON WHOSE
5 PROFESSION, OCCUPATION, CONDUCT, OR TRANSACTIONS ARE REGULATED BY A
6 STATUTE, RULE, OR REGULATION OF THIS STATE OR THE UNITED STATES.