

SENATE BILL No. 1202

November 27, 2018, Introduced by Senators BIEDA, GREGORY and CONYERS and referred to the Committee on Banking and Financial Institutions.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 218a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 218A. (1) A PERSON WHO DOES ANY OF THE FOLLOWING AND WHO
2 KNOWS OR HAS REASON TO KNOW THAT THE DOCUMENT IS FORGED OR
3 GROUNDLESS, CONTAINS A MATERIAL MISSTATEMENT OR FALSE CLAIM,
4 CONTAINS A SIGNATURE THAT IS NOT THE SIGNATURE OF THE PERSON WHOSE
5 NAME IS BEING SIGNED, OR IS OTHERWISE INVALID MAKES A FALSE
6 REPRESENTATION CONCERNING TITLE AND IS GUILTY OF A FELONY
7 PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT MORE
8 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH:
9 (A) CLAIMS AN INTEREST IN, OR A LIEN OR ENCUMBRANCE AGAINST,

1 REAL PROPERTY IN A DOCUMENT THAT IS RECORDED IN THE OFFICE OF THE
2 REGISTER OF DEEDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.

3 (B) EXECUTES OR NOTARIZES A DOCUMENT PURPORTING TO CREATE AN
4 INTEREST IN, OR A LIEN OR ENCUMBRANCE AGAINST, REAL PROPERTY, THAT
5 IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY
6 WHERE THE PROPERTY IS LOCATED.

7 (C) CAUSES A DOCUMENT DESCRIBED IN SUBDIVISION (A) OR (B) TO
8 BE RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY
9 WHERE THE PROPERTY IS LOCATED.

10 (D) ROBOSIGNS A DOCUMENT OR CAUSES A DOCUMENT TO BE
11 ROBOSIGNED.

12 (2) A PERSON WHO MAKES A FALSE REPRESENTATION CONCERNING TITLE
13 IN 2 OR MORE TRANSACTIONS ENGAGES IN A PATTERN OF MAKING FALSE
14 REPRESENTATIONS CONCERNING TITLE AND IS GUILTY OF A FELONY
15 PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 3 YEARS AND NOT MORE
16 THAN 20 YEARS OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH, IF
17 ALL OF THE FOLLOWING APPLY TO THE TRANSACTIONS:

18 (A) THE TRANSACTIONS HAVE THE SAME OR SIMILAR PATTERN,
19 PURPOSES, RESULTS, ACCOMPLICES, VICTIMS, OR METHODS OF COMMISSION,
20 OR ARE OTHERWISE INTERRELATED BY DISTINGUISHING CHARACTERISTICS.

21 (B) THE TRANSACTIONS ARE NOT ISOLATED INCIDENTS WITHIN THE
22 PRECEDING 4 YEARS.

23 (C) THE AGGREGATE LOSS OR INTENDED LOSS IN THE TRANSACTIONS IS
24 MORE THAN \$250.00.

25 (3) IN ADDITION TO THE CRIMINAL PENALTIES IMPOSED UNDER
26 SUBSECTIONS (1) AND (2), A PERSON WHO MAKES A FALSE REPRESENTATION
27 CONCERNING TITLE AS DESCRIBED IN SUBSECTION (1) IS SUBJECT TO A

1 CIVIL FINE OF NOT MORE THAN \$5,000.00 FOR EACH VIOLATION. A CIVIL
2 FINE UNDER THIS SUBSECTION MAY BE RECOVERED IN A CIVIL ACTION
3 BROUGHT IN THE NAME OF THIS STATE BY THE ATTORNEY GENERAL. THE
4 ATTORNEY GENERAL MAY RECOVER REASONABLE ATTORNEY FEES AND COSTS IN
5 AN ACTION UNDER THIS SUBSECTION.

6 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), THE OWNER OR HOLDER
7 OF THE BENEFICIAL INTEREST IN REAL PROPERTY THAT IS THE SUBJECT OF
8 A FALSE REPRESENTATION CONCERNING TITLE AS DESCRIBED IN SUBSECTION
9 (1) MAY BRING A CIVIL ACTION TO RECOVER ANY DAMAGES SUFFERED BY THE
10 OWNER OR HOLDER OF THE BENEFICIAL INTEREST, REASONABLE ATTORNEY
11 FEES, AND COSTS. ADDITIONALLY, A PERSON WHO MAKES A FALSE
12 REPRESENTATION CONCERNING TITLE BY ROBOSIGNING UNDER SUBSECTION
13 (1)(D) IS LIABLE TO THE OWNER OR HOLDER OF THE BENEFICIAL INTEREST
14 IN THE PROPERTY FOR 3 TIMES THE AMOUNT FOR WHICH THE PERSON WOULD
15 OTHERWISE BE LIABLE UNDER THIS SUBSECTION.

16 (5) BEFORE BRINGING A CIVIL ACTION UNDER SUBSECTION (4), THE
17 OWNER OR HOLDER OF THE BENEFICIAL INTEREST IN THE REAL PROPERTY
18 SHALL REQUEST IN WRITING THAT THE PERSON WHO MADE THE FALSE
19 REPRESENTATION RECORD A DOCUMENT THAT CORRECTS THE FALSE
20 REPRESENTATION. IF THE PERSON RECORDS A CORRECTIVE DOCUMENT WITHIN
21 20 DAYS AFTER THE DATE OF THE WRITTEN REQUEST, THE OWNER OR HOLDER
22 OF THE BENEFICIAL INTEREST IS NOT ENTITLED TO FILE A CIVIL ACTION
23 UNDER SUBSECTION (4).

24 (6) AS USED IN THIS SECTION, "ROBOSIGN" MEANS TO SIGN A
25 DOCUMENT FOR THE SIGNOR OR TRANSFEROR.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No. 1203
3 of the 99th Legislature is enacted into law.