

MICHIGAN IMMIGRATION CLERICAL ASSISTANT ACT (EXCERPT)
Act 161 of 2004

338.3471 Violations; penalties; exemption.

Sec. 21. (1) A person that violates this act is guilty of the following:

(a) In the case of a first conviction, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(b) In the case of a second or subsequent conviction, a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$10,000.00, or both.

(2) A person that is injured by a violation of this act by an immigration clerical assistant may bring an action in a court of competent jurisdiction for equitable relief or damages, or both. In an action for damages, the court shall award a prevailing plaintiff the amount of actual damages, or, if the court finds that the violation was willful, 3 times the plaintiff's actual damages. The court shall also grant a prevailing plaintiff reasonable attorney fees and costs.

(3) A person that, on information and belief, claims a violation of this act has been committed by an immigration clerical assistant may bring an action in a court of competent jurisdiction for equitable relief on behalf of the general public. The court shall award a prevailing plaintiff reasonable attorney fees and costs.

(4) The remedies and penalties in this act are cumulative and use of 1 remedy under this act does not bar the use of any remedy allowed under the Michigan consumer protection act, 1976 PA 331, MCL 445.901 to 445.922, or the use of any other remedy allowed under law.

(5) An immigration clerical assistant that is acting on behalf of a tax-exempt nonprofit organization under section 501(c)(3) of the internal revenue code of 1986 that complies with the service charge requirements of section 11, or an employee or volunteer of such an organization, is exempt from this section.

History: 2004, Act 161, Eff. Oct. 1, 2004;—Am. 2014, Act 174, Imd. Eff. June 17, 2014.