

HOUSE BILL No. 4130

January 28, 1997, Introduced by Rep. Dobb and referred to the Committee on Public Utilities.

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 4 and 18 (MCL 445.904 and 445.918), as amended by 1993 PA 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) This act does not apply to either of the
2 following:

3 (a) A transaction or conduct specifically authorized under
4 laws administered by a regulatory board or officer acting under
5 statutory authority of this state or the United States.

6 (b) An act done by the publisher, owner, agent, or employee
7 of a newspaper, periodical, directory, radio or television sta-
8 tion, or other communications medium in the publication or
9 dissemination of an advertisement unless the publisher, owner,
10 agent, or employee knows or, under the circumstances, reasonably

1 should know of the false, misleading, or deceptive character of
2 the advertisement or has a direct financial interest in the sale
3 or distribution of the advertised goods, property, or service.

4 (2) Except for the purposes of an action filed by a person
5 under section 11, this act does not apply to an unfair, uncon-
6 scionable, or deceptive method, act, or practice that is made
7 unlawful by ANY OF THE FOLLOWING:

8 (a) Chapter 20 of the insurance code of 1956, ~~Act No. 218~~
9 ~~of the Public Acts of 1956, as amended, being sections 500.2001~~
10 ~~to 500.2093 of the Michigan Compiled Laws~~ 1956 PA 218, MCL
11 500.2001 TO 500.2093.

12 (b) The banking code of 1969, ~~Act No. 319 of the Public~~
13 ~~Acts of 1969, as amended, being sections 487.301 to 487.598 of~~
14 ~~the Michigan Compiled Laws~~ 1969 PA 319, MCL 487.301 TO 487.598.

15 (c) ~~Act No. 3 of the Public Acts of 1939, as amended, being~~
16 ~~sections 460.1 to 460.8 of the Michigan Compiled Laws~~ THE
17 MICHIGAN UTILITY CODE, MCL 460.1101 TO 460.8302.

18 (d) The motor carrier act, ~~Act No. 254 of the Public Acts~~
19 ~~of 1933, as amended, being sections 475.1 to 479.20 of the~~
20 ~~Michigan Compiled Laws~~ 1933 PA 254, MCL 475.1 TO 479.20.

21 (e) ~~Act No. 125 of the Public Acts of 1963, being sections~~
22 ~~550.351 to 550.373 of the Michigan Compiled Laws~~ 1963 PA 125,
23 MCL 550.351 TO 550.373.

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

26 Sec. 18. (1) The public service commission may investigate,
27 in the manner set forth in section 7, a public utility subject to

1 its jurisdiction ~~pursuant to Act No. 3 of the Public Acts of~~
2 ~~1939, as amended, being sections 460.1 to 460.8 of the Michigan~~
3 ~~Compiled Laws, the motor carrier act, Act No. 254 of the Public~~
4 ~~Acts of 1933, as amended, being sections 475.1 to 479.20 of the~~
5 ~~Michigan Compiled Laws, and~~ UNDER THE MICHIGAN UTILITY CODE, MCL
6 460.1101 TO 460.8302, OR A TELECOMMUNICATION PROVIDER UNDER the
7 Michigan ~~telecommunication~~ TELECOMMUNICATIONS act, ~~Act No. 179~~
8 ~~of the Public Acts of 1991, being sections 484.2101 to 484.2605~~
9 ~~of the Michigan Compiled Laws~~ 1991 PA 179, MCL 484.2101 TO
10 484.2604, ~~which~~ THAT the commission believes has engaged, is
11 engaging, or is about to engage in a method, act, or practice
12 ~~which~~ THAT is unlawful under this act.

13 (2) When the commission requires the use of the subpoena
14 power provided in this act, an application shall be made to the
15 attorney general who shall procure a subpoena on behalf of the
16 commission in accordance with section 7.

17 (3) Upon conclusion of an investigation, the commission
18 shall provide a full report to the attorney general.

19 Enacting section 1. This amendatory act does not take
20 effect unless Senate Bill No. _____ or House Bill No. _____
21 (request no. 00135'97) of the 89th Legislature is enacted into
22 law.