

HOUSE BILL No. 5046

August 13, 2003, Introduced by Reps. Hood, Byrum, Hunter, Condino, Accavitti, Cheeks, Dennis, Woodward, Gielegem, Smith and Daniels 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 2000 PA 432.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) This act ~~does not apply to either~~ **applies to**
2 **any unfair, unconscionable, or deceptive method, act, or practice**
3 **and creates a cause of action against a company who engages in**
4 **that 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
11 employee of a newspaper, periodical, directory, radio or

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

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

13 **(i)** ~~—(a)—~~ The banking code of 1999, 1999 PA 276,
 14 MCL 487.11101 to 487.15105.

15 **(ii)** ~~—(b)—~~ 1939 PA 3, MCL 460.1 to 460.10cc.

16 **(iii)** ~~—(c)—~~ The motor carrier act, 1933 PA 254, MCL 475.1 to
 17 479.43.

18 **(iv)** ~~—(d)—~~ The savings bank act, 1996 PA 354, MCL 487.3101 to
 19 487.3804.

20 **(v)** ~~—(e)—~~ 1925 PA 285, MCL 490.1 to 490.31.

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

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

27 **(2)** A person who claims this act does not apply to a method,

1 act, or practice because of an exception to subsection (1) or any
2 other exemption from this act bears the burden of proving that
3 exception or exemption.

4 (3) As used in this section, "company" means a person engaged
5 in trade or commerce, including, but not limited to, a person
6 whose profession, occupation, conduct, or transactions are
7 regulated by a statute, rule, or regulation of this state or the
8 United States.