



HOUSE BILL No. 5558

May 8, 2014, Introduced by Reps. Leonard, LaFontaine and Cotter and referred to the Committee on Judiciary.

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 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 of
7 a newspaper, periodical, directory, radio or television station, or
8 other communications medium in the publication or dissemination of

House Bill No. 5558 as amended June 5, 2014

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

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

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

12 (b) 1939 PA 3, MCL 460.1 to ~~460.10~~ **460.11**.

13 (c) The motor carrier act, 1933 PA 254, MCL 475.1 to 479.43.

14 (d) The savings bank act, 1996 PA 354, MCL 487.3101 to
 15 487.3804.

16 (e) The credit union act, **2003 PA 215, MCL 490.101 TO 490.601**.

17 (3) This act does not apply to or create a cause of action for
 18 an unfair, unconscionable, or deceptive method, act, or practice
 19 that is made unlawful by chapter 20 of the insurance code of 1956,
 20 1956 PA 218, MCL 500.2001 to 500.2093, **[IF EITHER OF THE FOLLOWING ARE
 MET:**

21 **(A) THE METHOD, ACT, OR PRACTICE OCCURRED ON OR AFTER MARCH 28,
 2001.**

**(B) THE METHOD, ACT, OR PRACTICE OCCURRED BEFORE MARCH 28, 2001.
 HOWEVER, THIS SUBDIVISION DOES NOT APPLY TO OR LIMIT A CAUSE OF ACTION
 FILED WITH A COURT CONCERNING A METHOD, ACT, OR PRACTICE IF THE CAUSE OF
 ACTION WAS FILED IN A COURT OF COMPETENT JURISDICTION ON OR BEFORE JUNE
 5, 2014.]**

22 (4) The burden of proving an exemption from this act is upon
 23 the person claiming the exemption.

24 Enacting section 1. This amendatory act is retroactive and is
 25 effective March 28, 2001.

26 Enacting section 2. This amendatory act is curative and
 27 intended to prevent any misinterpretation that this act applies to

1 or creates a cause of action for an unfair, unconscionable, or
2 deceptive method, act, or practice occurring before March 28, 2001
3 that is made unlawful by chapter 20 of the insurance code of 1956,
4 1956 PA 218, MCL 500.2001 to 500.2093, that may result from the
5 decision of the Michigan supreme court in Converse v Auto Club
6 Group Ins Co, No. 142917, October 26, 2012.