

SUBSTITUTE FOR
HOUSE BILL NO. 5332

A bill to amend 1976 PA 331, entitled
"Michigan consumer protection act,"
by amending section 4 (MCL 445.904), 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 dis-
9 semination of an advertisement unless the publisher, owner,
10 agent, or employee knows or, under the circumstances, reasonably
11 should know of the false, misleading, or deceptive character of

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1 the advertisement or has a direct financial interest in the sale
2 or distribution of the advertised goods, property, or service.

3 (2) Except for the purposes of an action filed by a person
4 under section 11, this act does not apply to OR CREATE A CAUSE OF
5 ACTION FOR an unfair, unconscionable, or deceptive method, act,
6 or practice that is made unlawful by ANY OF THE FOLLOWING:

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

10 (A) ~~(b) The banking code of 1969, Act No. 319 of the~~
11 ~~Public Acts of 1969, as amended, being sections 487.301 to~~
12 ~~487.598 of the Michigan Compiled Laws 1999, 1999 PA 276,~~
13 ~~MCL 487.11101 TO 487.15105.~~

14 (B) ~~(c) Act No. 3 of the Public Acts of 1939, as amended,~~
15 ~~being sections 460.1 to 460.8 of the Michigan Compiled Laws 1939~~
16 ~~PA 3, MCL 460.1 TO 460.10CC.~~

17 (C) ~~(d) The motor carrier act, Act No. 254 of the Public~~
18 ~~Acts of 1933, as amended, being sections 475.1 to 479.20 of the~~
19 ~~Michigan Compiled Laws 1933 PA 254, MCL 475.1 TO 479.43.~~

20 (D) ~~(e) Act No. 125 of the Public Acts of 1963, being sec-~~
21 ~~tions 550.351 to 550.373 of the Michigan Compiled Laws THE SAV-~~
22 ~~INGS BANK ACT, 1996 PA 354, MCL 487.3101 TO 487.3804.~~

23 (E) 1925 PA 285, MCL 490.1 TO 490.31.

24 (3) THIS ACT DOES NOT APPLY TO OR CREATE A CAUSE OF ACTION
25 FOR AN UNFAIR, UNCONSCIONABLE, OR DECEPTIVE METHOD, ACT, OR PRAC-
26 TICE THAT IS MADE UNLAWFUL BY CHAPTER 20 OF THE INSURANCE CODE OF
27 1956, 1956 PA 218, MCL 500.2001 TO 500.2093.

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1 (4) ~~—(3)—~~ The burden of proving an exemption from this act
2 is upon the person claiming the exemption.