

SENATE BILL NO. 747

September 28, 1999, Introduced by Senators ROGERS, STEIL, MILLER and SHUGARS and referred to the Committee on Banking and Financial Institutions.

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 an unfair, uncon-
5 scionable, or deceptive method, act, or practice that is made
6 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~~ 1956 PA 218, MCL
10 500.2001 TO 500.2093.

11 (b) The banking code of ~~1969, Act No. 319 of the Public~~
12 ~~Acts of 1969, as amended, being sections 487.301 to 487.598 of~~
13 ~~the Michigan Compiled Laws~~ 1999, MCL 487.11101 TO 487.15101.

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

17 (d) The motor carrier act, ~~Act No. 254 of the Public Acts~~
18 ~~of 1933, as amended, being sections 475.1 to 479.20 of the~~
19 ~~Michigan Compiled Laws~~ 1933 PA 254, MCL 475.1 TO 475.43.

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

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

25 Enacting section 1. This amendatory act does not take
26 effect unless Senate Bill No. 745

1 of the 90th Legislature is enacted into
2 law.