SENATE BILL No. 493

May 15, 2003, Introduced by Senators HAMMERSTROM, BASHAM, CASSIS, LELAND, CHERRY, VAN WOERKOM, SANBORN, KUIPERS, BARCIA, SCHAUER, THOMAS, CLARK-COLEMAN, BRATER, CLARKE, SCOTT, SWITALSKI, TOY, JACOBS and JELINEK 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 2000 PA 432.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) This act does not apply to either of the following:
- 3 (a) A transaction or conduct specifically authorized under laws administered by a regulatory board or officer acting under 5 statutory authority of this state or the United States.
- (b) An act done by the publisher, owner, agent, or employee
- 7 of a newspaper, periodical, directory, radio or television
- station, or other communications medium in the publication or
- dissemination of an advertisement unless the publisher, owner,
- agent, or employee knows or, under the circumstances, reasonably
- should know of the false, misleading, or deceptive character of 00398'03 c DAM

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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) The banking code of 1999, 1999 PA 276, MCL 487.11101 to
- 8 487.15105.
- **9** (b) 1939 PA 3, MCL 460.1 to 460.10cc.
- 10 (c) The motor carrier act, 1933 PA 254, MCL 475.1 to 479.43.
- 11 (d) The savings bank act, 1996 PA 354, MCL 487.3101 to
- **12** 487.3804.
- 13 (e) $\frac{1925 \text{ PA } 285, \text{ MCL } 490.1 \text{ to } 490.31}{\text{ The credit union act.}}$
- 14 (3) This act does not apply to or create a cause of action
- 15 for an unfair, unconscionable, or deceptive method, act, or
- 16 practice that is made unlawful by chapter 20 of the insurance
- 17 code of 1956, 1956 PA 218, MCL 500.2001 to 500.2093.
- 18 (4) The burden of proving an exemption from this act is upon
- 19 the person claiming the exemption.
- 20 Enacting section 1. This amendatory act does not take
- 21 effect unless Senate Bill No. 496
- of the 92nd Legislature is enacted into
- 23 law.

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