

# 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  
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  
8 station, or other communications medium in the publication or  
9 dissemination 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) 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) ~~1925 PA 285, MCL 490.1 to 490.31~~ **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

22 of the 92nd Legislature is enacted into  
23 law.