

SUBSTITUTE FOR  
HOUSE BILL NO. 4413

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 219e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1        SEC. 219E. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A  
2 PERSON SHALL NOT DO ANY OF THE FOLLOWING:
- 3        (A) PREPARE OR SUBMIT AN APPLICATION FOR A LOAN OR OTHER  
4 EXTENSION OF CREDIT IN ANOTHER PERSON'S NAME WITHOUT AUTHORIZA-  
5 TION FROM THAT OTHER PERSON.
- 6        (B) RECEIVE OR POSSESS AN APPLICATION FOR A LOAN OR OTHER  
7 EXTENSION OF CREDIT KNOWING OR HAVING REASON TO KNOW THE APPLICA-  
8 TION WAS PREPARED OR SUBMITTED IN VIOLATION OF SUBSECTION (1).
- 9        (C) RECEIVE OR POSSESS ANY INSTRUMENT OR DEVICE FOR  
10 ACCESSING THE PROCEEDS OF A LOAN OR OTHER EXTENSION OF CREDIT

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1 KNOWING OR HAVING REASON TO KNOW THE INSTRUMENT OR DEVICE WAS  
2 OBTAINED AS A RESULT OF A VIOLATION OF SUBSECTION (1).

3 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY  
4 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF  
5 NOT MORE THAN \$2,500.00, OR BOTH.

6 (3) SUBSECTION (1) DOES NOT APPLY TO A FINANCIAL INSTITUTION  
7 OR AN AFFILIATE OF A FINANCIAL INSTITUTION OR TO A DIRECTOR,  
8 OFFICER, OR EMPLOYEE OF A FINANCIAL INSTITUTION OR AN AFFILIATE  
9 OF A FINANCIAL INSTITUTION WHO DOES ANY OF THE FOLLOWING:

10 (A) PREPARES OR SUBMITS AN APPLICATION IN ANOTHER PERSON'S  
11 NAME WITHOUT PRIOR ACTUAL KNOWLEDGE THAT THE APPLICATION IS BEING  
12 PREPARED OR WAS PREPARED IN VIOLATION OF SUBSECTION (1).

13 (B) SUBMITS AN APPLICATION PREPARED IN ANOTHER PERSON'S NAME  
14 TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY OR REGULA-  
15 TORY AGENCY.

16 (C) SUBMITS AN APPLICATION PREPARED IN ANOTHER PERSON'S NAME  
17 TO A CREDIT REPORTING BUREAU OR OTHER PERSON TO DETERMINE WHETHER  
18 THE APPLICATION WAS PREPARED IN VIOLATION OF SUBSECTION (1) OR  
19 ANY OTHER LAW OR REGULATION.

20 (D) RECEIVES OR POSSESSES AN APPLICATION PREPARED IN ANOTHER  
21 PERSON'S NAME WITHOUT PRIOR ACTUAL KNOWLEDGE THAT THE APPLICATION  
22 WAS PREPARED IN VIOLATION OF SUBSECTION (1).

23 (E) RECEIVES OR POSSESSES AN INSTRUMENT OR DEVICE OBTAINED  
24 AS A RESULT OF A VIOLATION OF SUBSECTION (1) WITHOUT PRIOR ACTUAL  
25 KNOWLEDGE THAT THE INSTRUMENT OR DEVICE WAS OBTAINED AS A RESULT  
26 OF A VIOLATION OF SUBSECTION (1).

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1 (4) AS USED IN THIS SECTION, "FINANCIAL INSTITUTION" MEANS  
2 ANY OF THE FOLLOWING:

3 (A) A REGULATED LENDER AS DEFINED IN SECTION 2 OF THE CREDIT  
4 REFORM ACT, 1995 PA 162, MCL 445.1852.

5 (B) A PERSON LICENSED UNDER THE MICHIGAN BIDCO ACT, 1986 PA  
6 89, MCL 487.1101 TO 487.2001.

7 (C) A PERSON LICENSED OR REGISTERED UNDER THE MORTGAGE BRO-  
8 KERS, LENDERS, AND SERVICERS LICENSING ACT, 1987 PA 173, MCL  
9 445.1651 TO 445.1684.

10 (D) A PERSON LICENSED OR REGISTERED UNDER THE SECONDARY  
11 MORTGAGE LOAN ACT, 1981 PA 125, MCL 493.51 TO 493.81.

12 (E) A PERSON SUBJECT TO THE RETAIL INSTALLMENT SALES ACT,  
13 1966 PA 224, MCL 445.851 TO 445.873.

[(F) A PERSON SUBJECT TO THE MOTOR VEHICLE SALES FINANCE ACT,  
1950 PA 27, MCL 492.101 TO 492.141.]

14 Enacting section 1. This amendatory act does not take  
15 effect unless all of the following bills of the 90th Legislature  
16 are enacted into law:

17 [(a) House Bill No. 4598.

18 (b) House Bill No. 4670.

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