

SUBSTITUTE FOR
SENATE BILL NO. 715

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding chapter 22A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER 22A

SEC. 2270. AS USED IN THIS CHAPTER:

(A) "CERTIFICATE OF INSURANCE" MEANS A DOCUMENT, REGARDLESS OF
HOW TITLED OR DESCRIBED, THAT IS PREPARED BY AN INSURER OR
INSURANCE PRODUCER THAT IS A STATEMENT OR SUMMARY OF AN INSURED'S
PROPERTY OR CASUALTY INSURANCE COVERAGE. CERTIFICATE OF INSURANCE
DOES NOT INCLUDE A POLICY OF INSURANCE, INSURANCE BINDER, POLICY
ENDORSEMENT, AUTOMOBILE IDENTIFICATION CARD, CERTIFICATE ISSUED
UNDER A GROUP OR MASTER POLICY, OR EVIDENCE OF COVERAGE PROVIDED TO

1 A LENDER IN A LENDING TRANSACTION INVOLVING A MORTGAGE, LIEN, DEED
2 OF TRUST, OR OTHER SECURITY INTEREST IN OR ON ANY REAL OR PERSONAL
3 PROPERTY.

4 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
5 INSURANCE AND FINANCIAL SERVICES.

6 (C) "INSURANCE" MEANS ANY OF THE LINES OF AUTHORITY IN CHAPTER
7 6.

8 (D) "INSURANCE PRODUCER" MEANS THAT TERM AS DEFINED IN SECTION
9 1201.

10 SEC. 2271. A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

11 (A) ISSUE OR DELIVER A CERTIFICATE OF INSURANCE THAT PURPORTS
12 TO AFFIRMATIVELY OR NEGATIVELY ALTER, AMEND, OR EXTEND THE COVERAGE
13 PROVIDED BY AN INSURANCE POLICY REFERENCED IN THE CERTIFICATE OF
14 INSURANCE.

15 (B) PREPARE OR ISSUE A CERTIFICATE OF INSURANCE THAT CONTAINS
16 ANY FALSE OR MISLEADING INFORMATION CONCERNING AN INSURANCE POLICY
17 REFERENCED IN THE CERTIFICATE OF INSURANCE.

18 (C) DEMAND OR REQUIRE THE ISSUANCE OF A CERTIFICATE OF
19 INSURANCE FROM AN INSURER, INSURANCE PRODUCER, OR POLICYHOLDER THAT
20 CONTAINS ANY FALSE OR MISLEADING INFORMATION CONCERNING AN
21 INSURANCE POLICY REFERENCED IN THE CERTIFICATE OF INSURANCE.

22 SEC. 2273. EXCEPT AS OTHERWISE PROVIDED IN AN INSURANCE
23 POLICY, A CERTIFICATE OF INSURANCE DOES NOT REPRESENT AN INSURER'S
24 OBLIGATION TO GIVE NOTICE OF CANCELLATION OR NONRENEWAL TO A
25 PERSON.

26 SEC. 2275. A PERSON IS ENTITLED TO NOTICE OF CANCELLATION,
27 NONRENEWAL, AND ANY SIMILAR NOTICE CONCERNING A POLICY OF INSURANCE

1 ONLY IF THE PERSON HAS NOTICE RIGHTS UNDER THE TERMS OF A POLICY OF
2 INSURANCE OR AN ENDORSEMENT TO A POLICY OF INSURANCE. THE TERMS AND
3 CONDITIONS OF A NOTICE DESCRIBED IN THIS SECTION ARE GOVERNED BY
4 THE POLICY OF INSURANCE OR ENDORSEMENT. A CERTIFICATE OF INSURANCE
5 DOES NOT ALTER THE TERMS AND CONDITIONS OF THE NOTICE.

6 SEC. 2277. IF THE DIRECTOR FINDS THAT A PERSON HAS VIOLATED
7 THIS CHAPTER, AFTER AN OPPORTUNITY FOR A HEARING UNDER THE
8 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
9 24.328, THE DIRECTOR SHALL REDUCE THE FINDINGS AND DECISION TO
10 WRITING AND SHALL ISSUE AND CAUSE TO BE SERVED UPON THE PERSON
11 CHARGED WITH THE VIOLATION A COPY OF THE FINDINGS AND AN ORDER
12 REQUIRING THE PERSON TO CEASE AND DESIST FROM THE VIOLATION. IN
13 ADDITION, THE DIRECTOR MAY ORDER ANY OF THE FOLLOWING:

14 (A) PAYMENT OF A CIVIL FINE OF NOT MORE THAN \$500.00 FOR EACH
15 VIOLATION. HOWEVER, IF THE PERSON KNEW OR REASONABLY SHOULD HAVE
16 KNOWN THAT HE OR SHE WAS IN VIOLATION OF THIS CHAPTER, THE DIRECTOR
17 MAY ORDER THE PAYMENT OF A CIVIL FINE OF NOT MORE THAN \$2,500.00
18 FOR EACH VIOLATION. AN ORDER OF THE DIRECTOR UNDER THIS SECTION
19 SHALL NOT REQUIRE THE PAYMENT OF CIVIL FINES EXCEEDING \$25,000.00.
20 A FINE COLLECTED UNDER THIS SUBDIVISION SHALL BE TURNED OVER TO THE
21 STATE TREASURER AND CREDITED TO THE GENERAL FUND OF THIS STATE.

22 (B) THE DIRECTOR MAY APPLY TO THE CIRCUIT COURT OF INGHAM
23 COUNTY FOR AN ORDER OF THE COURT ENJOINING A VIOLATION OF THIS
24 CHAPTER.