

HOUSE BILL NO. 5358

November 14, 2023, Introduced by Reps. Morgan and Skaggs and referred to the Committee on Judiciary.

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9201 (MCL 440.9201), as amended by 2002 PA 480.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9201. (1) Except as otherwise provided in this act, a
2 security agreement is effective according to its terms between the
3 parties, against purchasers of the collateral, and against
4 creditors.

5 (2) A transaction subject to this article is subject to any
6 applicable rule of law that establishes a different rule for

1 consumers and to each of the following, as applicable:

2 (a) The regulatory loan act, ~~of 1963,~~ 1939 PA 21, MCL 493.1 to
3 ~~493.26.~~ **493.24.**

4 (b) 1939 PA 305, MCL 566.301 to 566.302.

5 (c) The motor vehicle sales finance act, 1950 (Ex Sess) PA 27,
6 MCL 492.101 to ~~492.141.~~ **492.137a.**

7 (d) The mobile home commission act, 1987 PA 96, MCL 125.2301
8 to ~~125.2349.~~ **125.2350.**

9 (e) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to
10 257.923.

11 (f) 1978 PA 387, MCL 257.931 to 257.937.

12 (g) 1986 PA 87, MCL 257.1401 to 257.1410.

13 (h) The grain dealers act, 1939 PA 141, MCL 285.61 to
14 ~~285.82a.~~ **285.89.**

15 (i) The Michigan family farm development act, 1982 PA 220, MCL
16 285.251 to 285.279.

17 (j) The natural resources and environmental protection act,
18 1994 PA 451, MCL 324.101 to 324.90106.

19 (k) 1982 PA 459, MCL 325.851 to 325.858.

20 (l) 1970 PA 90, MCL 442.311 to 442.315.

21 (m) 1971 PA 227, MCL 445.111 to 445.117.

22 (n) The retail installment sales act, 1966 PA 224, MCL 445.851
23 to 445.873.

24 (o) The Michigan consumer protection act, 1976 PA 331, MCL
25 445.901 to 445.922.

26 (p) The home improvement finance act, 1965 PA 332, MCL
27 445.1101 to 445.1431.

28 (q) 1941 PA 238, MCL 566.1.

29 (r) The garage keeper's lien act, 1915 PA 312, MCL 570.301 to

1 ~~570.309~~.**570.310.**

2 (s) 1939 PA 3, MCL 460.1 to ~~460.10cc~~.**460.11.**

3 (t) 1981 PA 155, MCL 445.611 to 445.620c.

4 (u) The special tools lien act, **2002 PA 481, MCL 570.541 to**
5 **570.571.**

6 (3) In case of conflict between this article and a rule of
7 law, statute, or regulation described in subsection (2), the rule
8 of law, statute, or regulation controls. Failure to comply with a
9 statute or regulation described in subsection (2) has only the
10 effect the statute or regulation specifies.

11 (4) This article does not validate any rate, charge,
12 agreement, or practice that violates a rule of law, statute, or
13 regulation described in subsection (2), or extend the application
14 of the rule of law, statute, or regulation to a transaction not
15 otherwise subject to it.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No.____ or House Bill No. 5354 (request no.
18 03158'23) of the 102nd Legislature is enacted into law.