

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**  
**Chapter XXXVI**  
**FALSE PRETENSES AND FALSE REPRESENTATION**

**750.218 False pretenses with intent to defraud; violation; penalty; enhanced sentence based on prior convictions; "false pretense" defined.**

Sec. 218.

(1) A person who, with the intent to defraud or cheat makes or uses a false pretense to do 1 or more of the following is guilty of a crime punishable as provided in this section:

- (a) Cause a person to grant, convey, assign, demise, lease, or mortgage land or an interest in land.
- (b) Obtain a person's signature on a forged written instrument.
- (c) Obtain from a person any money or personal property or the use of any instrument, facility, article, or other valuable thing or service.
- (d) By means of a false weight or measure obtain a larger amount or quantity of property than was bargained for.
- (e) By means of a false weight or measure sell or dispose of a smaller amount or quantity of property than was bargained for.

(2) If the land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the value, whichever is greater, or both imprisonment and a fine.

(3) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine:

(a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of \$200.00 or more but less than \$1,000.00.

(b) The person violates subsection (2) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine:

(a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of \$1,000.00 or more but less than \$20,000.00.

(b) The person violates subsection (3)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b).

(5) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$15,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine:

(a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of \$20,000.00 or more but less than \$50,000.00.

(b) The person violates subsection (4)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b).

(6) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$25,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine:

(a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of \$50,000.00 or more but less than \$100,000.00.

(b) The person violates subsection (5)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b).

(7) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$35,000.00 or 3 times the value, whichever is greater, or both imprisonment and

a fine:

(a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of \$100,000.00 or more.

(b) The person violates subsection (6)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b).

(8) The values of land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value involved in the violation of this section.

(9) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(10) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(11) As used in this section, "false pretense" includes, but is not limited to, a false or fraudulent representation, writing, communication, statement, or message, communicated by any means to another person, that the maker of the representation, writing, communication, statement, or message knows is false or fraudulent. The false pretense may be a representation regarding a past or existing fact or circumstance or a representation regarding the intention to perform a future event or to have a future event performed.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.218 ;-- Am. 1957, Act 69, Eff. Sept. 27, 1957 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999 ;-- Am. 2004, Act 154, Eff. Sept. 1, 2004 ;-- Am. 2011, Act 201, Eff. Jan. 1, 2012

**Former Law:** See section 39 of Ch. 154 of R.S. 1846, being CL 1857, Â§ 5783; CL 1871, Â§ 7590; How., Â§ 9161; CL 1897, Â§ 11575; CL 1915, Â§ 15320; CL 1929, Â§ 16916; Act 164 of 1867; Act 218 of 1879; and Act 234 of 1895.

## **750.219 Financial condition; false statements.**

### **Sec. 219.**

Any person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, who, either individually or in a representative capacity, does 1 or more of the following:

(a) Knowingly makes a false statement in writing to any person, firm or corporation engaged in banking or other business respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as a member, director, officer, employee, or agent, for the purpose of procuring a loan or credit in any form or an extension of credit from the person, firm or corporation to whom the false statement is made, either for his or her own use or for the use of the firm or corporation with which he or she is connected as aforesaid.

(b) Having previously made, or having knowledge that another has previously made a statement in writing to any person, firm, or corporation engaged in banking or other business respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as aforesaid, shall afterwards procure on faith of such statement from the person, firm, or corporation to whom the previous statement has been made, either for his or her own use or for the use of the firm or corporation with which he or she is so connected, a loan or credit in any form, or an extension of credit, knowing at the time of the procuring that the previously made statement is in any material particular false with respect to the present financial condition of himself or herself or of the firm or corporation with which he or she is so connected.

(c) Delivers to any note broker or other agent for the sale or negotiation of commercial paper, any statement in writing, knowing it to be false, respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as aforesaid, for the purpose of having the statement used in furtherance of the sale, pledge, or negotiation of any note, bill, or other instrument for the payment of money made

or endorsed or accepted or owned in whole or in part by him or her individually or by the firm or corporation with which he or she is so connected.

(d) Having previously delivered or having knowledge that another has previously delivered to any note broker or other agent for the sale or negotiation of commercial paper a statement in writing respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as aforesaid, shall afterwards deliver to the note broker or other agent for the purpose of sale, pledge, or negotiation on faith of the statement, any note, bill, or other instrument for the payment of money made or endorsed or accepted or owned in whole or in part by himself or herself individually or by the firm or corporation with which he or she is so connected, knowing at the time that such previously delivered statement is in any material particular false as to the present financial condition of himself or herself or of such firm or corporation.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.219 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

**Former Law:** See section 1 of Act 25 of 1909, being CL 1915, Â§ 15342; and CL 1929, Â§ 16992.

### **750.219a Obtaining telecommunications services with intent to avoid charge; violation; separate incidents pursuant to scheme or course of conduct; enhanced sentence based on prior convictions; definitions.**

Sec. 219a.

(1) A person shall not knowingly obtain or attempt to obtain telecommunications service with intent to avoid, attempt to avoid, or cause another person to avoid or attempt to avoid any lawful charge for that telecommunications service by using any of the following:

(a) A telecommunications access device.

(b) An unlawful telecommunications access device.

(c) A fraudulent or deceptive scheme, pretense, method, or conspiracy, or any device or other means, including, but not limited to, any of the following:

(i) Using a false, altered, or stolen identification.

(ii) The use of a telecommunications access device to violate this section by a person other than the subscriber or lawful holder of the telecommunications access device under an exchange of anything of value to the subscriber or lawful holder to allow that unlawful use of the telecommunications access device.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) If the total value of the telecommunications service obtained or attempted to be obtained is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or former section 219c or a local ordinance substantially corresponding to this section or former section 219c.

(c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$20,000.00 or more.

(ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not

include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(3) The values of telecommunications service obtained or attempted to be obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the telecommunications service obtained or attempted to be obtained.

(4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.

(5) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(6) As used in this section:

(a) "Telecommunications" and "telecommunications service" mean any service lawfully provided for a charge or compensation to facilitate the origination, transmission, retransmission, emission, or reception of signs, data, images, signals, writings, sounds, or other intelligence or equivalence of intelligence of any nature over any telecommunications system by any method, including, but not limited to, electronic, electromagnetic, magnetic, optical, photo-optical, digital, or analog technologies.

(b) "Telecommunications access device" means any of the following:

(i) Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in section 157m that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service.

(ii) Any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission, or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system, or facility, or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmissions, signals, or services.

(c) "Telecommunications service provider" means any of the following:

(i) A person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging, or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunications service.

(ii) A person or entity owning or operating any fiber optic, cable television, satellite, internet based, telephone, wireless, microwave, data transmission or radio distribution system, network, or facility.

(iii) A person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks, or facilities.

(d) "Telecommunications system" means any system, network, or facility owned or operated by a telecommunications service provider, including any radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or internet based system, network, or facility.

(e) "Unlawful telecommunications access device" means any of the following:

(i) A telecommunications access device that is false, fraudulent, unlawful, not issued to a legitimate telecommunications access device subscriber account, or otherwise invalid or that is expired, suspended, revoked, canceled, or otherwise terminated if notice of the expiration, suspension, revocation, cancellation, or termination has been sent to the telecommunications access device subscriber.

(ii) Any phones altered to obtain service without the express authority or actual consent of the telecommunications service provider, a clone telephone, clone microchip, tumbler telephone, tumbler microchip, or wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use, acquisition, interception, or receipt of a telecommunications service without the express authority or actual consent of the

telecommunications service provider.

(iii) Any telecommunications access device that has been manufactured, assembled, altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another device, so as to be capable of facilitating the disruption, acquisition, interception, receipt, transmission, retransmission, or decryption of a telecommunications service without the actual consent or express authorization of the telecommunications service provider, including, but not limited to, any device, technology, product, service, equipment, computer software, or component or part, primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used for the purpose of providing the unauthorized receipt of, transmission of, interception of, disruption of, decryption of, access to, or acquisition of any telecommunications service provided by any telecommunications service provider.

(iv) Any type of instrument, device, machine, equipment, technology, or software that is primarily designed, assembled, developed, manufactured, sold, distributed, possessed, used, or offered, promoted, or advertised, for the purpose of defeating or circumventing any technology, device, or software, or any component or part, used by the provider, owner, or licensee of any telecommunications service or of any data, audio, or video programs or transmissions, to protect any such telecommunications, data, audio, or video services, programs, or transmissions from unauthorized receipt, acquisition, interception, access, decryption, disclosure, communication, transmission, or retransmission.

(f) "Value of the telecommunications service obtained or attempted to be obtained" includes, but is not limited to, all of the following:

(i) Any lawful charge for telecommunications services avoided or attempted to be avoided.

(ii) The value of any other money, property, or telecommunications service lost, stolen, or rendered unrecoverable by the violation.

(iii) Any actual expenditure incurred by the victim to verify that a telecommunications device or telecommunications access device or telecommunications service was not altered, acquired, damaged, disrupted, destroyed, or stolen as a result of the violation.

(iv) The value of all telecommunications services available to the violator and others as a result of the violation.

**History:** Add. 1961, Act 93, Eff. Sept. 8, 1961 ;-- Am. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1996, Act 330, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

#### **750.219b Repealed. 1967, Act 255, Eff. Nov. 2, 1967.**

**Compiler's Notes:** The repealed section prescribed notice of revocation of credit card number or device.

#### **750.219c Repealed. 1996, Act 330, Eff. Apr. 1, 1997.**

**Compiler's Notes:** The repealed section pertained to use of telecommunication equipment with intent to avoid payment.

#### **750.219d Residential mortgage fraud; prohibited conduct; venue; violation as felony; penalty; separate offenses; affirmative defense; property subject to forfeiture; order; definitions.**

Sec. 219d.

(1) A person that knowingly, with the intent to defraud, does any of the following is guilty of the crime of residential mortgage fraud, punishable as provided in this section:

(a) Makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact during the mortgage lending process.

(b) During the mortgage lending process, makes or uses a false pretense, or uses or facilitates the use of another person's false pretense, concerning the person's intent to perform a future event or to have a future event performed. As used in this subdivision, "false pretense" means that term as defined in section 218.

(c) Uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person's concealment or failure to disclose a material fact during the mortgage lending process.

(d) Receives or attempts to receive any proceeds or any other money in connection with the mortgage lending process that the person knows resulted from a violation of subdivision (a) or (b).

(e) Files or causes to be filed with the register of deeds of any county of this state any document involved in the mortgage lending process that the person knows to contain a deliberate material misstatement, misrepresentation, or omission.

(f) Fails to disburse funds in accordance with the settlement or closing statement for the mortgage loan.

(g) Conspires to violate subdivision (a), (b), (c), (d), (e), or (f).

(h) Solicits, encourages, or coerces another person to violate subdivision (a), (b), (c), (d), (e), or (f).

(2) A crime of residential mortgage fraud under this section shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, or interpretations related to the mortgage lending process.

(3) For the purpose of determining venue of a prosecution under this section, a violation of this section is considered to have been committed in any of the following:

(a) In the county in which the residential property for which the mortgage loan is obtained or sought is located.

(b) In the county in which an owner of the property for which the mortgage loan was obtained or sought resides.

(c) In any county in which a material act was performed in furtherance of the violation.

(4) A person who violates this section is guilty of a felony punishable by 1 of the following:

(a) Except for a violation described in subdivision (b), imprisonment for not more than 15 years or a fine of not more than \$100,000.00, or both.

(b) If the violation occurs in connection with the mortgage lending process in which the loan value stated on documents used in the mortgage lending process exceeds \$100,000.00, imprisonment for not more than 20 years or a fine of not more than \$500,000.00, or both.

(5) Each violation of this section constitutes a separate offense.

(6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.

(7) It is an affirmative defense to a prosecution of a defendant for a violation of this section committed by an employee or agent of the defendant if the defendant demonstrates all of the following by a preponderance of the evidence:

(a) The defendant had in force at the time of the violation and continues to have in force a written policy that includes at least all of the following:

(i) A prohibition against conduct that violates this section by employees and agents of the defendant.

(ii) Penalties or discipline for violation of the policy.

(iii) A process for educating employees and agents concerning the policy and consequences of a violation.

(iv) A requirement for a criminal history check before employing an employee or engaging an agent and a requirement that the defendant will not employ or engage an individual whose criminal history check reveals a previous conviction of a crime involving fraud.

(b) The defendant demonstrates that it enforces the written policy described in subdivision (a).

(c) Before the violation of this section, the defendant communicated the written policy described in subdivision (a) and the consequences for violating the policy to the employee or agent who committed the violation.

(8) Property of any kind used or intended for use in the course of, derived from, or received in connection with a violation of this section by the person that violated this section is subject to forfeiture in the same manner as provided in chapter 47 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

(9) All of the following apply if a person is convicted of a violation of subsection (1) or of a lesser included offense in connection with a completed residential mortgage loan transaction:

(a) Within 6 months of the date of the conviction, the mortgagor who obtained the residential mortgage loan may request an order described in subdivision (b) if the court makes all of the following findings:

(i) The mortgagor was a victim of the residential mortgage fraud and was not involved in any criminal activity.

(ii) The mortgagor did not knowingly apply for the residential mortgage loan or execute the documents involved in the mortgage lending process.

(b) If subdivision (a) is met, the court shall enter an order indicating that the residential mortgage and other documents involved in the mortgage lending process are invalid. The court shall require that the victim of the residential mortgage fraud record a certified copy of the order and a copy of the invalid residential mortgage in the office of the register of deeds of the county where the mortgaged residential property is located, and the register of deeds shall record those documents as provided in section 2935 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2935. The court shall designate in the order the person responsible for paying the fee for recording those documents.

(c) If a mortgagor described in subdivision (a) requests an order described in subdivision (b), and the residential mortgage or any other documents involved in the mortgage lending process were previously recorded, the

prosecutor in the criminal proceeding shall provide the circuit court with the name of the county in which the document or documents were recorded and the liber and page number or unique identifying reference number of the recorded residential mortgage or other document or documents, and the court shall include that information in the order.

(d) If a county register of deeds receives a certified copy of an order and a copy of the invalid residential mortgage for recording, the register of deeds shall make reference to the liber and page number or unique identifying reference number of the invalid residential mortgage in the index of the recorded documents.

(e) If the circuit court enters an order described in subdivision (b), before the order is recorded, the victim of the residential mortgage fraud shall provide written notice to the residential mortgage lender, and any successors or assigns of the lender, that the court has entered the order. A lender and any successor or assignee of a lender that receives a notice under this subdivision may request a court hearing to contest the court's order, but that person must request the hearing within 30 days after receiving the notice.

(10) As used in this section:

(a) "Documents involved in the mortgage lending process" includes, but is not limited to, mortgages; deeds; surveys; inspection reports; uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any written disclosures required by law.

(b) "Mortgage lending process" means the process through which a person seeks or obtains a residential mortgage loan, including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan.

(c) "Person" means an individual, corporation, limited liability company, partnership, trustee, association, or other legal entity.

(d) "Residential mortgage loan" means a loan or agreement to extend credit made to a person that is secured by a mortgage, security interest, or other document representing a security interest or lien on any interest in a 1-family to 4-family dwelling located in this state. The term includes a renewal, extension, or refinancing of a residential mortgage loan.

**History:** Add. 2011, Act 205, Eff. Jan. 1, 2012

## **750.219e Prohibited conduct; violation as felony; penalty; exception; "financial institution" defined.**

Sec. 219e.

(1) Except as otherwise provided by law, a person shall not do any of the following:

(a) Prepare or submit an application for a loan or other extension of credit in another person's name without authorization from that other person.

(b) Receive or possess an application for a loan or other extension of credit knowing or having reason to know the application was prepared or submitted in violation of subsection (1).

(c) Receive or possess any instrument or device for accessing the proceeds of a loan or other extension of credit knowing or having reason to know the instrument or device was obtained as a result of a violation of subsection (1).

(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both.

(3) Subsection (1) does not apply to a financial institution or an affiliate, licensee, or franchisee of a financial institution or to a director, officer, or employee of a financial institution or an affiliate, licensee, or franchisee of a financial institution who does any of the following:

(a) Prepares or submits an application in another person's name without prior actual knowledge that the application is being prepared or was prepared in violation of subsection (1).

(b) Submits an application prepared in another person's name to a federal, state, or local law enforcement agency or regulatory agency.

(c) Submits an application prepared in another person's name to a credit reporting bureau or other person to determine whether the application was prepared in violation of subsection (1) or any other law or regulation.

(d) Receives or possesses an application prepared in another person's name without prior actual knowledge that the application was prepared in violation of subsection (1).

(e) Receives or possesses an instrument or device obtained as a result of a violation of subsection (1) without prior actual knowledge that the instrument or device was obtained as a result of a violation of subsection (1).

- (4) As used in this section, "financial institution" means any of the following:
- (a) A regulated lender as defined in section 2 of the credit reform act, 1995 PA 162, MCL 445.1852.
  - (b) A person licensed under the Michigan BIDCO act, 1986 PA 89, MCL 487.1101 to 487.2001.
  - (c) A person licensed or registered under the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.
  - (d) A person licensed or registered under the secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81.
  - (e) A person subject to the retail installment sales act, 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.
  - (g) A person chartered or regulated by the office of the comptroller of the currency, the federal deposit insurance corporation, the federal reserve, or the office of thrift management.

**History:** Add. 1999, Act 164, Eff. Feb. 3, 2000

**750.219f Forwarding loan or accessing loan proceeds in violation of chapter; violation as felony; penalty; exception; "financial institution" defined.**

Sec. 219f.

(1) A person shall not receive with the intent to forward, possess with the intent to forward, or forward an application for a loan or other extension of credit on behalf of a person to another person knowing or having reason to know the application has been prepared or is being submitted in violation of this chapter.

(2) A person shall not receive with the intent to forward, possess with the intent to forward, or forward to another person any instrument or device for accessing the proceeds of a loan or other extension of credit knowing or having reason to know the instrument or device was obtained as a result of a violation of this chapter.

(3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$100,000.00, or both.

(4) Subsections (1) and (2) do not apply to a financial institution or an affiliate, licensee, or franchisee of a financial institution or to a director, officer, or employee of a financial institution or an affiliate, licensee, or franchisee of a financial institution who does any of the following:

(a) Receives with the intent to forward, possesses with the intent to forward, or forwards an application in another person's name without prior actual knowledge that the application was prepared in violation of this chapter.

(b) Forwards an application prepared in another person's name to a federal, state, or local law enforcement agency or regulatory agency.

(c) Forwards an application prepared in another person's name to a credit reporting bureau or other person to determine whether the application was prepared in violation of subsection (1) or any other law or regulation.

(d) Receives with intent to forward, possesses with intent to forward, or forwards an instrument or device without prior actual knowledge that the instrument or device was obtained as a result of a violation of this chapter.

(5) As used in this section, "financial institution" means any of the following:

(a) A regulated lender as defined in section 2 of the credit reform act, 1995 PA 162, MCL 445.1852.

(b) A person licensed under the Michigan BIDCO act, 1986 PA 89, MCL 487.1101 to 487.2001.

(c) A person licensed or registered under the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

(d) A person licensed or registered under the secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81.

(e) A person subject to the retail installment sales act, 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.

(g) A person chartered or regulated by the office of the comptroller of the currency, the federal deposit insurance corporation, the federal reserve, or the office of thrift management.

**History:** Add. 1999, Act 166, Eff. Feb. 3, 2000

**750.220 Property valuation or indebtedness; false statements.**

Sec. 220.

Any person who willfully and knowingly makes any false statement in writing of his or her property valuation, real or personal, or both, or of his or her indebtedness, for the purpose of obtaining credit from any person, company, co-partnership, association, or corporation, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.220 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

**Former Law:** See section 1 of Act 85 of 1909, being CL 1915, Â§ 15343; and CL 1929, Â§ 16993.

**750.221 False representation as blind, deafblind, hard of hearing, or person with disability; violation as misdemeanor; penalty.**

Sec. 221.

A person shall not falsely represent himself or herself as blind, deaf, deafblind, or hard of hearing or as a person who has a disability for the purpose of obtaining money or anything of value. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.221 ;-- Am. 2016, Act 132, Eff. Aug. 24, 2016

**Former Law:** See section 1 of Act 135 of 1917, being CL 1929, Â§ 17102.