

# Legislative Analysis

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## IDENTITY THEFT: AMENDMENTS TO CONSUMER PROTECTION ACT

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bill 6174

Sponsor: Rep. Mike Nofs

### House Bill 6175

Sponsor: Mickey Mortimer

### House Bill 6176

Sponsor: Lorence Wenke

Committee: Criminal Justice

Complete to 9-14-04

## A SUMMARY OF HOUSE BILLS 6174-6176 AS INTRODUCED 9-9-04

The Michigan Consumer Protection Act has a long list of unfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce that are unlawful. The bills, which are part of a multi-bill package addressing identity theft and which would take effect March 1, 2005, would all amend the same section of the act (MCL 445.903) as follows:

House Bill 6174 would add a violation of Section 7 of the Identity Theft Protection Act, which would be created by House Bill 6168 and Senate Bill 792, to the list of offenses constituting unlawful practices of trade or commerce.

House Bill 6175, which is similar to Senate Bill 220, would add to the list of offenses constituting unlawful practices of trade or commerce the issuing or delivering of a receipt when a credit card or debit card was used for payment in a consumer transaction if the receipt displayed any part of the expiration date of the card or more than the last four digits of the consumer's account number. This would not apply to receipts on which the account number or expiration date is handwritten, mechanically imprinted, or photocopied.

The above would apply to consumer transactions occurring on or after March 1, 2005. However, if a credit or debit card receipt for a transaction is printed by an electronic device, the bill would apply July 1, 2005 if the device had been in service on or before March 1, 2005. If the electronic device is placed in service after March 1, 2005, the bill's provisions would apply July 1, 2005 or the date the device was placed in service, whichever was later.

House Bill 6176, which is similar to Senate Bill 657, would add to the list of offenses constituting unlawful trade practices the act of requiring a consumer to disclose his or her

social security number as a condition to selling goods or providing a service to the consumer unless the transaction included an extension of credit to the consumer or disclosure was required or authorized by applicable state or federal statute, rule, or regulation.

**FISCAL IMPACT:**

House Bills 6175 and 6176 would have an indeterminate fiscal impact on state and local units of government. It is not known what costs for enforcement would be, and the amount of revenue generated from penalty fines would depend on the number of violations.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Robin Risko

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.