

# HOUSE BILL No. 5754

April 1, 2004, Introduced by Rep. Koetje and referred to the Committee on Commerce.

A bill to amend 1994 PA 160, entitled  
"Credit services protection act,"  
by amending section 2 (MCL 445.1822).

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

1       Sec. 2. As used in this act:

2       (a) "Buyer" means a person who is solicited to purchase or  
3 who purchases the services of a credit services organization.

4       (b) "Credit services organization" means, except as otherwise  
5 provided in subdivision (c), a person who, in return for  
6 consideration, attempts to sell, provide, or perform 1 or more of  
7 the following:

8       (i) The improvement of a person's credit record, history, or  
9 rating.

10       (ii) The obtainment of an extension of credit.

11       (iii) Advice or assistance regarding the improvement or

1 repair of a person's credit record, history, or rating.

2 (iv) Advice or assistance regarding the obtainment of an  
3 extension of credit.

4 (v) Advice or assistance regarding foreclosure of a real  
5 estate mortgage.

6 (vi) Serve as an intermediate between a debtor and a creditor  
7 on behalf of the debtor regarding credit that was extended prior  
8 to any agreement to have the credit services organization serve  
9 as an intermediate.

10 (c) Credit services organization does not include any of the  
11 following:

12 (i) A person who is licensed in this state or otherwise  
13 authorized to make loans or extend credit under any state statute  
14 while engaged in the regular course of business under that state  
15 statute, other than ~~Act No. 326 of the Public Acts of 1966,~~  
16 ~~being sections 438.31 to 438.33 of the Michigan Compiled Laws~~  
17 **1966 PA 326, MCL 438.31 to 438.33.**

18 (ii) A federal or state chartered bank, credit union, savings  
19 bank, or savings and loan institution, an entity of the federally  
20 chartered farm credit system, or any solely owned subsidiary  
21 thereof.

22 (iii) A person licensed under the occupational code, ~~Act~~  
23 ~~No. 299 of the Public Acts of 1980, being sections 339.101 to~~  
24 ~~339.2721 of the Michigan Compiled Laws~~ **1980 PA 299, MCL 339.101**  
25 **to 339.2721**, when engaged in the regular course of business.

26 (iv) A person licensed to practice law in this state if the  
27 person renders services within the course of that person's

1 practice as an attorney and does not engage in the business of a  
2 credit services organization on a regular and continuing basis.

3 (v) A judicial officer or other person acting under court  
4 order.

5 (vi) A consumer reporting agency, as defined in section 603  
6 of the fair credit reporting act, ~~title VI of the consumer~~  
7 ~~credit protection act, Public Law 90-321, 15 U.S.C. 15 USC~~  
8 1681a, while engaged in the regular course of the credit  
9 reporting business.

10 (vii) A debt management business licensed under the debt  
11 management act, ~~Act No. 148 of the Public Acts of 1975, being~~  
12 ~~sections 451.411 to 451.437 of the Michigan Compiled Laws 1975~~  
13 **PA 148, MCL 451.411 to 451.437**, while engaged in the regular  
14 course of business under ~~the debt management~~ **that** act.

15 (viii) An investment adviser or broker-dealer registered  
16 under the uniform securities act, ~~Act No. 265 of the Public Acts~~  
17 ~~of 1964, being sections 451.501 to 451.818 of the Michigan~~  
18 ~~Compiled Laws 1964 PA 265, MCL 451.501 to 451.818, or the~~  
19 **uniform securities act (2002), MCL 451.2101 to 451.2703.**

20 (ix) A nonprofit corporation that is exempt from taxation  
21 under section 501c(3) of the United States internal revenue code,  
22 ~~title 26 U.S.C. USC 501c(3).~~

23 (x) A finance subsidiary of a manufacturing corporation.

24 (d) "Extension of credit" means the right to defer payment of  
25 debt or to incur debt.

26 (e) "Person" means an individual, partnership, corporation,  
27 **limited liability company**, association, or other legal entity.

1           Enacting section 1. This amendatory act does not take  
2 effect unless Senate Bill No. \_\_\_\_ or House Bill No. 5746  
3 (request no. 06004'03) of the 92nd Legislature is enacted into  
4 law.