

1999 PUBLIC AND LOCAL ACTS

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[No. 166]

(HB 4598)

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 219f.

*The People of the State of Michigan enact:*

750.219f Forwarding loan or accessing loan proceeds in violation of chapter; violation as felony; penalty; exception; "financial institution" defined. [M.S.A. 28.416(6)]

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.

1999 PUBLIC AND LOCAL ACTS

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(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.

Effective date.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4413 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved November 4, 1999.

Filed with Secretary of State November 4, 1999.

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**Compiler's note:** House Bill No. 4413, referred to in enacting section 2, was filed with the Secretary of State November 4, 1999, and became P.A. 1999, No. 164, Eff. Feb. 3, 2000.

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