

# HOUSE BILL NO. 4867

June 28, 2023, Introduced by Reps. Koleszar, Paiz and Weiss and referred to the Committee on Regulatory Reform.

A bill to amend 1976 PA 331, entitled  
"Michigan consumer protection act,"  
by amending section 4 (MCL 445.904), as amended by 2014 PA 251.

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

1           Sec. 4. (1) This act does not apply to ~~either of the~~  
2 ~~following:~~

3           ~~(a) A transaction or conduct specifically authorized under~~  
4 ~~laws administered by a regulatory board or officer acting under~~  
5 ~~statutory authority of this state or the United States.~~

6           ~~(b) An~~ **an** act done by the publisher, owner, agent, or employee

1 of a newspaper, periodical, directory, radio or television station,  
2 or other communications medium in the publication or dissemination  
3 of an advertisement unless the publisher, owner, agent, or employee  
4 knows or, under the circumstances, reasonably should know of the  
5 false, misleading, or deceptive character of the advertisement or  
6 has a direct financial interest in the sale or distribution of the  
7 advertised goods, property, or service.

8 (2) Except for the purposes of an action filed by a person  
9 under section 11, this act does not apply to or create a cause of  
10 action for an unfair, unconscionable, or deceptive method, act, or  
11 practice that is made unlawful by any of the following:

12 (a) The banking code of 1999, 1999 PA 276, MCL 487.11101 to  
13 487.15105.

14 (b) 1939 PA 3, MCL 460.1 to 460.11.

15 (c) The motor carrier act, 1933 PA 254, MCL 475.1 to  
16 ~~479.43.~~ **479.42.**

17 (d) The savings bank act, 1996 PA 354, MCL 487.3101 to  
18 487.3804.

19 (e) The credit union act, 2003 PA 215, MCL 490.101 to 490.601.

20 (3) This act does not apply to or create a cause of action for  
21 an unfair, unconscionable, or deceptive method, act, or practice  
22 that is made unlawful by chapter 20 of the insurance code of 1956,  
23 1956 PA 218, MCL 500.2001 to 500.2093, if either of the following  
24 is met:

25 (a) The method, act, or practice occurred on or after March  
26 28, 2001.

27 (b) The method, act, or practice occurred before March 28,  
28 2001. However, this subdivision does not apply to or limit a cause  
29 of action filed with a court concerning a method, act, or practice

1 if the cause of action was filed in a court of competent  
2 jurisdiction on or before June 5, 2014.

3 (4) The burden of proving an exemption from this act is ~~upon~~  
4 **on** the person claiming the exemption.