

HOUSE BILL NO. 5201

October 24, 2023, Introduced by Reps. Breen, Tsernoglou, Hope, Byrnes, Rheingans, Hood, Price, Morgan, Steckloff, McFall, MacDonell, Hill, Wilson and Liberati 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, and
by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 2a. This act must be liberally construed to effectuate**
2 **its purpose, and the remedies provided under this act are in**
3 **addition to any other remedy provided by law.**

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

1 (a) A ~~transaction or conduct specifically~~ **specific method,**
2 **act, or practice that is expressly** authorized under **the** laws
3 ~~administered of this state or the United States or~~ by a ~~regulatory~~
4 **an agency,** board, or officer ~~acting under statutory authority~~
5 **administering the laws** of this state or the United States. **This**
6 **subdivision does not exempt a method, act, or practice from this**
7 **act solely because either of the following apply:**

8 (i) The method, act, or practice is part of a general
9 transaction that is specifically authorized under the laws of this
10 state or the United States.

11 (ii) The method, act, or practice, or the general transaction
12 in which the method, act, or practice is part, is subject to
13 governmental regulation.

14 (b) An act done by the publisher, owner, agent, or employee of
15 a newspaper, periodical, directory, radio or television station, or
16 other communications medium in the publication or dissemination of
17 an advertisement unless the publisher, owner, agent, or employee
18 knows or, under the circumstances, reasonably should know of the
19 false, misleading, or deceptive character of the advertisement or
20 has a direct financial interest in the sale or distribution of the
21 advertised goods, property, or service.

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

26 (a) The banking code of 1999, 1999 PA 276, MCL 487.11101 to
27 487.15105.

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

29 (c) The motor carrier act, 1933 PA 254, MCL 475.1 to

1 ~~479.43.~~**479.42.**

2 (d) The savings bank act, 1996 PA 354, MCL 487.3101 to
3 487.3804.

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

5 (3) This act does not apply to or create a cause of action for
6 an unfair, unconscionable, or deceptive method, act, or practice
7 that is made unlawful by chapter 20 of the insurance code of 1956,
8 1956 PA 218, MCL 500.2001 to 500.2093, if either of the following
9 is met:

10 (a) The method, act, or practice occurred on or after March
11 28, 2001.

12 (b) The method, act, or practice occurred before March 28,
13 2001. However, this subdivision does not apply to or limit a cause
14 of action filed with a court concerning a method, act, or practice
15 if the cause of action was filed in a court of competent
16 jurisdiction on or before June 5, 2014.

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