

**SUBSTITUTE FOR  
SENATE BILL NO. 1022**

A bill to amend 1976 PA 331, entitled  
"Michigan consumer protection act,"  
by amending the title and sections 2, 4, 5, 10, and 15 (MCL  
445.902, 445.904, 445.905, 445.910, and 445.915), the title as  
amended by 2022 PA 153, section 2 as amended by 2018 PA 189,  
section 4 as amended by 2014 PA 251, and section 5 as amended by  
2020 PA 296, and by adding sections 4a, 5a, 8a, and 21a.

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

1 TITLE  
2 An act to prohibit certain methods, acts, and practices in  
3 trade or commerce; to require the disclosure, maintenance, and  
4 verification of certain information for consumer protection; to  
5 prescribe certain powers and duties; to provide for certain



1 remedies, damages, **fin**es, and penalties; to provide for the  
2 promulgation of rules; to provide for certain investigations; ~~and~~  
3 to prescribe penalties; **and to create a fund.**

4 Sec. 2. (1) As used in this act:

5 (a) Subject to subsection (2), "business opportunity" means  
6 the sale or lease of any products, equipment, supplies, or services  
7 for the purpose of enabling the purchaser to start a business, and  
8 in which the seller represents 1 or more of the following:

9 (i) That the seller will provide locations or assist the  
10 purchaser in finding locations for the use or operation of vending  
11 machines, racks, display cases, or other similar devices, or  
12 currency operated amusement machines or devices, on premises  
13 ~~neither that are not~~ owned ~~nor or~~ leased by the purchaser or  
14 seller.

15 (ii) That the seller may, in the ordinary course of business,  
16 purchase any or all products made, produced, fabricated, grown,  
17 bred, or modified by the purchaser using **in** whole or in part the  
18 supplies, services, or chattels sold to the purchaser.

19 (iii) The seller guarantees that the purchaser will derive  
20 income from the business opportunity that exceeds the price paid  
21 for the business opportunity; or that the seller will refund all or  
22 part of the price paid for the business opportunity, or repurchase  
23 any of the products, equipment, supplies, or chattels supplied by  
24 the seller, if the purchaser is unsatisfied with the business  
25 opportunity. As used in this subparagraph, "guarantee" means a  
26 written or oral representation that would cause a reasonable person  
27 in the purchaser's position to believe that income is assured.

28 (iv) That the seller will provide a sales program or marketing  
29 program ~~which that~~ will enable the purchaser to derive income from



1 the business opportunity that exceeds the price paid for the  
 2 business opportunity. This subparagraph does not apply to the sale  
 3 of a marketing program made in conjunction with the licensing of a  
 4 federally registered trademark or a federally registered service  
 5 mark, or to the sale of a business opportunity for which the  
 6 purchaser pays less than \$500.00 in total for the business  
 7 opportunity from any time before the date of sale to any time  
 8 within 6 months after the date of sale.

9 (b) "Documentary material" includes the original or copy of a  
 10 book, record, report, memorandum, paper, communication, tabulation,  
 11 map, chart, photograph, mechanical transcription, or other tangible  
 12 document or recording, wherever situated.

13 (c) **"Elder" means an individual who is 80 years of age or**  
 14 **older.**

15 (d) ~~(e)~~—"Performing group" means a vocal or instrumental group  
 16 seeking to use the name of another group that has previously  
 17 released a commercial sound recording under that name.

18 (e) ~~(d)~~—"Person" means an individual, corporation, limited  
 19 liability company, trust, partnership, incorporated or  
 20 unincorporated association, or other legal entity.

21 (f) ~~(e)~~—"Recording group" means a vocal or instrumental group  
 22 that meets both of the following:

23 (i) At least 1 of the members of the group has previously  
 24 released a commercial sound recording under the group's name.

25 (ii) At least 1 of the members of the group has a legal right  
 26 to use the group's name, by virtue of use or operation under the  
 27 group's name without abandoning the name of or affiliation with the  
 28 group.

29 (g) **"Small business" means a business concern incorporated or**



1 doing business in this state, including an affiliate of the  
 2 business concern, that is independently owned and operated and that  
 3 either employs fewer than 250 full-time employees or that has gross  
 4 annual sales of less than \$6,000,000.00.

5 (h) ~~(f)~~—"Sound recording" means a work that results from the  
 6 fixation on a material object of a series of musical, spoken, or  
 7 other sounds regardless of the nature of the material object, such  
 8 as a disk, tape, or other phono-record, in which the sounds are  
 9 embodied.

10 (i) ~~(g)~~—"Trade or commerce" means the conduct of a business  
 11 providing, **directly or indirectly**, goods, property, or ~~service~~  
 12 **services that are** primarily used for personal, family, ~~or~~  
 13 household, **or small business** purposes. ~~and Trade or commerce~~  
 14 includes the advertising, solicitation, offering for sale or rent,  
 15 sale, lease, or distribution of a service or property, tangible or  
 16 intangible, real, personal, or mixed, or any other article, or a  
 17 business opportunity, **and includes the provision of goods,**  
 18 **property, or services for the purpose of enhancing an individual's**  
 19 **education, income, or employability.** ~~"Trade or commerce"~~ **Trade or**  
 20 **commerce** does not include the purchase or sale of a franchise, as  
 21 **that term is** defined in section 2 of the franchise investment law,  
 22 1974 PA 269, MCL 445.1502, but does include a pyramid promotional  
 23 scheme as **that term is** defined in section 2 of the pyramid  
 24 promotional scheme act, **2018 PA 186**, MCL 445.2582.

25 (j) "Vulnerable adult" means any of the following:

26 (i) An individual who is 18 years of age or older and who,  
 27 because of age, developmental disability, mental illness, or  
 28 physical disability, requires supervision or personal care or lacks  
 29 the personal and social skills required to live independently,



1 whether or not the individual has been determined by a court to be  
2 incapacitated.

3 (ii) An adult as that term is defined in section 3 of the adult  
4 foster care facility licensing act, 1979 PA 218, MCL 400.703.

5 (iii) An adult as that term is defined in section 11 of the  
6 social welfare act, 1939 PA 280, MCL 400.11.

7 (2) As used in this act, "business opportunity" does not  
8 include a sale of a franchise as **that term is** defined in section 2  
9 of the franchise investment law, 1974 PA 269, MCL 445.1502, or the  
10 sale of an ongoing business if the owner of the business sells and  
11 intends to sell only that single business opportunity.

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

14 (a) ~~A transaction or conduct specifically~~ **specific method,**  
15 **act, or practice that is expressly** authorized under **the** laws  
16 ~~administered by a regulatory board or officer acting under~~  
17 ~~statutory authority of this state or the United States~~ **or by an**  
18 **agency, board, or officer administering the laws of this state or**  
19 **the United States. This subdivision does not exempt a method, act,**  
20 **or practice from this act solely because either of the following**  
21 **applies:**

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

25 (ii) The method, act, or practice, or the general transaction  
26 of which the method, act, or practice is a part, is subject to  
27 governmental regulation.

28 (b) An act done by the publisher, owner, agent, or employee of  
29 a newspaper, periodical, directory, radio or television station, or

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

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

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

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

14 (c) The motor carrier act, 1933 PA 254, MCL 475.1 to  
15 ~~479.43.479.42.~~

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

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

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

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

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



jurisdiction on or before June 5, 2014.

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

**Sec. 4a. This act must be liberally construed to effectuate  
the act's purpose, and the remedies provided under this act are in  
addition to any other remedy provided by law.**

Sec. 5. (1) If the attorney general has probable cause to  
believe that a person has engaged, is engaging, or is about to  
engage in a method, act, or practice that is unlawful under section  
3, and gives notice ~~pursuant to~~ **required by** this section, the  
attorney general may bring an action in accordance with principles  
of equity to restrain the defendant by temporary or permanent  
injunction from engaging in the method, act, or practice. ~~The~~

**(2) An action under this section** may be brought in the circuit  
court of the county where the defendant is established or conducts  
business or, if the defendant is not established in this state, in  
the circuit court of Ingham County.

**(3) The court may award costs to the prevailing party in an  
action under this section.** ~~Except as otherwise provided in this  
section,~~

**(4) Subject to subsection (5), for each** persistent and knowing  
violation of section 3, the court **in an action under this section**  
may assess the defendant a civil fine of not more than \$25,000.00.  
~~For a violation of section 3(1)(kk), each performance or production  
is a separate violation. For a violation of section 3l, the court  
may assess the defendant a civil fine of not more than \$1,000.00  
per violation. Each day a violation of section 3l occurs counts as a  
separate violation.~~

**(5) For a violation of this act by a person, each of the**



1 following are considered a separate violation:

2 (a) Each person solicited by the person.

3 (b) Each advertisement distributed by the person.

4 (c) Each misrepresentation or deceptive statement contained in  
5 a solicitation.

6 (d) Each time that an advertisement was received or was  
7 published, broadcast, or otherwise disseminated by the person.

8 (6) ~~(2)~~—Unless waived by the court on good cause shown not  
9 less than 10 days before the commencement of an action under this  
10 section, the attorney general shall notify the person of ~~his or her~~  
11 **the** intended action and give the person an opportunity to cease and  
12 desist from the alleged unlawful method, act, or practice or to  
13 confer with the attorney general in person, by counsel, or by other  
14 representative as to the proposed action before the proposed filing  
15 date.

16 (7) The notice **under subsection (6)** may be given to the person  
17 by mail, postage prepaid, to ~~his or her~~ **the person's** usual place of  
18 business or, if the person does not have a usual place of business,  
19 to ~~his or her~~ **the person's** last known address, or, if the person is  
20 a corporation, only to a resident agent who is designated to  
21 receive service of process or to an officer of the corporation.

22 (8) ~~(3)~~—A prosecuting attorney or law enforcement officer  
23 receiving notice of an alleged violation of this act, or of a  
24 violation of an injunction, order, decree, or judgment issued in an  
25 action brought ~~pursuant to~~ **under** this section, or of an assurance  
26 under this act, shall immediately forward written notice of the  
27 violation together with any information ~~he or she may have~~ **that the**  
28 **prosecuting attorney or law enforcement officer has** to the office  
29 of the attorney general.





1       (9) ~~(4)~~ A person ~~who~~ **that** knowingly violates the terms of an  
 2 injunction, order, decree, or judgment issued under this section  
 3 ~~shall~~ **must** forfeit and pay to the state a civil fine of not more  
 4 than \$5,000.00 for each violation.

5       (10) For the purposes of this section, the court issuing an  
 6 injunction, order, decree, or judgment shall retain jurisdiction,  
 7 the cause ~~shall be~~ **is** continued, and the attorney general may  
 8 petition for recovery of a civil fine as provided by this section.

9       **Sec. 5a. (1) Subject to subsections (2), (3), and (4), a**  
 10 **person that uses or has used a method, act, or practice that**  
 11 **targets an elder or vulnerable adult in violation of this act is**  
 12 **subject to a civil fine of not more than \$25,000.00 for each**  
 13 **violation, unless the violation that targets an elder or vulnerable**  
 14 **adult is persistent and knowing, in which case the person is**  
 15 **subject to a civil fine of not more than \$50,000.00 for each**  
 16 **violation.**

17       (2) For a violation of this act by a person that uses a  
 18 method, act, or practice that targets an elder or vulnerable adult,  
 19 each of the following are considered a separate violation:

20       (a) Each elder or vulnerable adult solicited by the person.

21       (b) Each advertisement distributed by the person.

22       (c) Each misrepresentation or deceptive statement contained in  
 23 a solicitation.

24       (d) Each time that the advertisement was received or was  
 25 published, broadcast, or otherwise disseminated by the person.

26       (3) In determining the amount of the civil fine under  
 27 subsection (1), the court may consider any of the following:

28       (a) Whether the violation was made in good or bad faith.

29       (b) The injury to the public.



1 (c) The person's ability to pay.

2 (d) The public's interest in eliminating the benefits to the  
3 person that were derived from the violation.

4 (e) The necessity of vindicating the authority of this state  
5 and the strong need to deter any future violation.

6 (4) The civil fine described in subsection (1) is in addition  
7 to any other civil fine or relief available under this act or any  
8 other law of this state.

9 Sec. 8a. (1) If the attorney general or a prosecuting attorney  
10 has reason to believe that a person has information or is in  
11 possession, custody, or control of any documentary material or  
12 tangible object that is relevant to an investigation of a violation  
13 of this act, the attorney general, or a prosecuting attorney with  
14 the permission of or at the request of the attorney general, may,  
15 before bringing an action under this act, serve the person with a  
16 written demand to do 1 or more of the following:

17 (a) Appear and be examined under oath.

18 (b) Answer interrogatories.

19 (c) Produce any documentary material or tangible object for  
20 inspection and copying.

21 (2) A written demand must contain all of the following:

22 (a) A description of the nature of the conduct constituting  
23 the violation of this act that is under investigation.

24 (b) If the demand requires the appearance of the person, a  
25 reasonable time and place for the appearance.

26 (c) If the demand requires written interrogatories, both of  
27 the following:

28 (i) A copy of the interrogatories.

29 (ii) A reasonable time within which the person must answer the



1 written interrogatories.

2 (d) If the demand requires the production of any documentary  
3 material or tangible object, all of the following:

4 (i) A description of the documentary material or tangible  
5 object with sufficient definiteness to permit the documentary  
6 material or tangible object to be fairly identified by the person.

7 (ii) A reasonable time and place for production of the  
8 documentary material or tangible object.

9 (iii) The name of the person that will be the custodian of the  
10 documentary material or tangible object.

11 (e) A notice that the person may file an objection to or  
12 reason for not complying with the written demand with the serving  
13 entity on or before the return date.

14 (f) A summary of subsections (3) and (4).

15 (3) At any time before the return date or not later than 10  
16 days after receiving the written demand, whichever is earlier, a  
17 person subject to the written demand may petition the circuit court  
18 of Ingham County for a protective order, stating good cause, to do  
19 any of the following:

20 (a) Extend the return date for a reasonable time.

21 (b) Modify the demand.

22 (c) Set aside the demand.

23 (4) If a person files a petition under subsection (3), the  
24 person must give the serving entity not less than 10 days' notice  
25 of a hearing on the petition and the serving entity must be given  
26 an opportunity to respond to the petition.

27 (5) If a person does not secure a protective order under  
28 subsection (3) and the person does not comply with the written  
29 demand by the return date, the serving entity, upon notice to the



1 person, may apply to a court for an order compelling the person's  
2 compliance with the written demand.

3 (6) If a court contemplating the order under subsection (5)  
4 finds there is reasonable cause to believe that this act is being,  
5 has been, or is about to be violated, that the person that is  
6 committing, has committed, or is about to commit the violation  
7 possesses information, documentary material, or a tangible object  
8 that is relevant to the investigation by the attorney general or  
9 prosecuting attorney, that the person has left this state or is  
10 about to leave this state, and that an order is necessary for the  
11 enforcement of this act, the court may do either or both of the  
12 following:

13 (a) Require the person to comply with the written demand.

14 (b) Forbid the removal, concealment, withholding, destruction,  
15 mutilation, falsification, or alteration of any documentary  
16 material or tangible object identified under subsection (2)(d) that  
17 is in the possession, custody, or control of the person.

18 (7) A person subject to a written demand or a court order  
19 under this section that, with the intent to avoid, evade, or  
20 prevent compliance, in whole or in part, removes, conceals,  
21 withholds, destroys, mutilates, falsifies, or by any other means  
22 alters any documentary material or tangible object identified under  
23 subsection (2)(d) in the possession, custody, or control of the  
24 person is subject to a civil fine of not more than \$10,000.00 per  
25 violation.

26 (8) Except as provided in subsection (9), any testimony,  
27 answer, documentary material, or tangible object received by the  
28 attorney general or a prosecuting attorney in accordance with a  
29 written demand or order under this section is confidential until



1 the time that an enforcement action is brought by the attorney  
2 general or prosecuting attorney under this act.

3 (9) The attorney general or a prosecuting attorney may  
4 disclose any testimony, answer, documentary material, or tangible  
5 object described in subsection (8) in any of the following  
6 circumstances:

7 (a) If the disclosure is to a law enforcement official.

8 (b) If the attorney general or prosecuting attorney considers  
9 the disclosure necessary to enforce this act.

10 (c) If disclosure is ordered by a court.

11 (d) If the disclosure is after confidentiality is waived by  
12 the person subject to the written demand and the person that has  
13 testified, answered interrogatories, or produced material.

14 (10) As used in this section:

15 (a) "Return date" means the date specified in subsection  
16 (2) (b), (c) (ii), or (d) (ii), as applicable.

17 (b) "Serving entity" means the attorney general or prosecuting  
18 attorney that served the written demand.

19 (c) "Written demand" means a written demand under subsection  
20 (1).

21 Sec. 10. (1) The attorney general may bring a class action on  
22 behalf of persons residing in or injured in this state ~~for the to~~  
23 **recover** actual damages **or \$250.00, whichever is greater, for each**  
24 **class member**, caused by any of the following:

25 (a) A method, act, or practice in trade or commerce defined as  
26 unlawful under section 3.

27 (b) A method, act, or practice in trade or commerce declared  
28 to be unlawful under section ~~3-(1)-~~**3(1)** by a final judgment of the  
29 circuit court or an appellate court of this state ~~which~~**that** is



1 either reported officially or made available for public  
 2 dissemination ~~pursuant to~~ **under** section 9 by the attorney general  
 3 not less than 30 days before the method, act, or practice on which  
 4 the action is based occurs.

5 (c) A method, act, or practice in trade or commerce declared  
 6 by a ~~circuit court~~ **Circuit Court** of ~~appeals~~ **Appeals** or the ~~supreme~~  
 7 ~~court~~ **Supreme Court** of the United States to be an unfair or  
 8 deceptive act or practice within the meaning of section 5(a)(1) of  
 9 the federal trade commission act, ~~15 U.S.C. 45(a)(1)~~, **15 USC 45**, in  
 10 a decision ~~which~~ **that** affirms or directs the affirmance of a cease  
 11 and desist order issued by the ~~federal trade commission~~ **Federal**  
 12 **Trade Commission** if the order is final within the meaning of  
 13 section 5(g) of the federal trade commission act, ~~15 U.S.C. 45(g)~~,  
 14 **15 USC 45**, and ~~which~~ **that** is officially reported not less than 30  
 15 days before the method, act, or practice on which the action is  
 16 based occurs. For purposes of this subdivision, a method, act, or  
 17 practice ~~shall~~ **is** not be deemed to be unfair or deceptive within  
 18 the meaning of section 5(a)(1) of the federal trade commission act  
 19 solely because the method, act, or practice is made unlawful by  
 20 another federal ~~statute~~ **law** that refers to or incorporates section  
 21 5(a)(1) of the federal trade commission act, **15 USC 45**.

22 (2) On motion of the attorney general and without bond in an  
 23 action under this section the court may make an appropriate order:  
 24 to ~~reimburse~~ **do 1 or more of the following:**

25 (a) **Reimburse** persons ~~who~~ **that** have suffered damages. ~~;~~ **to**  
 26 ~~carry~~

27 (b) **Carry** out a transaction in accordance with the aggrieved  
 28 persons' reasonable expectations. ~~;~~ **to strike**

29 (c) **Strike** or limit the application of unconscionable clauses



1 of contracts to avoid an unconscionable result. ~~7-or-to-grant~~

2 (d) **Grant** other appropriate relief.

3 (3) The court after a hearing **in an action under this section**  
 4 may appoint a receiver or order sequestration of the defendant's  
 5 assets if it appears to the satisfaction of the court that the  
 6 defendant threatens or is about to remove, conceal, or dispose of  
 7 ~~his-the~~ assets to the detriment of members of the class.

8 (4) ~~(3)~~ If at any stage of the proceedings **in an action under**  
 9 **this section** the court requires that notice be sent to the class,  
 10 the attorney general may petition the court to require the  
 11 defendant to bear the cost of the notice. In determining whether to  
 12 impose the cost on the defendant or the state, the court shall  
 13 consider the probability that the attorney general will succeed on  
 14 the merits of the action.

15 (5) ~~(4)~~ If the defendant **in an action under this section** shows  
 16 by a preponderance of the evidence that a violation of this act  
 17 resulted from a bona fide error notwithstanding the maintenance of  
 18 procedures reasonably adapted to avoid the error, the amount of  
 19 recovery ~~shall-must~~ be limited to actual damages.

20 (6) ~~(5)~~ An action ~~shall-must~~ not be brought by the attorney  
 21 general under this section more than 6 years after the occurrence  
 22 of the method, act, or practice which is the subject of the action  
 23 nor more than 1 year after the last payment in a transaction  
 24 involving the method, act, or practice ~~which-that~~ is the subject of  
 25 the action, whichever period of time ends on a later date.

26 Sec. 15. A ~~Except as otherwise provided in section 8a, a~~  
 27 prosecuting attorney may conduct an investigation ~~pursuant to-under~~  
 28 this act and may institute and prosecute an action under this act  
 29 in the same manner as the attorney general.



1       Sec. 21a. (1) The consumer protection and antitrust revolving  
2 enforcement and education fund is created in the state treasury.

3       (2) The state treasurer shall deposit attorney fees, costs,  
4 and proceeds in accordance with subsection (3) in the fund. The  
5 state treasurer may deposit damages and refunds in accordance with  
6 subsection (4) and money or assets received from any other source  
7 in the fund.

8       (3) Except as otherwise directed by a court or agreed to by  
9 the parties, attorney fees, costs, and proceeds are deposited into  
10 the fund as follows:

11       (a) If the amount of the attorney fees, costs, and proceeds is  
12 not more than \$500,000.00, 100% of the amount of attorney fees,  
13 costs, and proceeds must be deposited into the fund.

14       (b) If the amount of the attorney fees, costs, and proceeds is  
15 more than \$500,000.00 but not more than \$1,000,000.00, 100% of the  
16 first \$500,000.00 of attorney fees, costs, and proceeds and 50% of  
17 the remainder must be deposited into the fund.

18       (c) If the amount of the attorney fees, costs, and proceeds is  
19 more than \$1,000,000.00, 100% of the first \$500,000.00 of attorney  
20 fees, costs, and proceeds, 50% of the next \$500,000.00 of attorney  
21 fees, costs, and proceeds, and 10% of the remainder must be  
22 deposited into the fund.

23       (4) Except as otherwise directed by a court or agreed to by  
24 the parties, the following damages or refunds are deposited into  
25 the fund:

26       (a) Any de minimus amount of damages or refunds.

27       (b) Any amount of the damages or refunds that relate to  
28 persons that could not be identified by the department of the  
29 attorney general.





1 (5) The state treasurer shall direct the investment of money  
2 in the fund and credit interest and earnings from the investments  
3 to the fund.

4 (6) Money in the fund at the close of the fiscal year remains  
5 in the fund and does not lapse to the general fund.

6 (7) The department of the attorney general is the  
7 administrator of the fund for audits of the fund.

8 (8) The department of the attorney general shall expend money  
9 from the fund on appropriation only for 1 or more of the following  
10 purposes:

11 (a) To fund positions and pay expenses incurred by the  
12 attorney general related to the enforcement of any of the  
13 following:

14 (i) This act.

15 (ii) A law relating to anti-competitive conduct within trade or  
16 commerce.

17 (iii) A law with a purpose of protecting charitable gifts or  
18 charitable assets.

19 (b) At the attorney general's discretion, to educate the  
20 public regarding consumer protection matters.

21 (9) As used in this section:

22 (a) "Attorney fees, costs, and proceeds" means attorney fees,  
23 costs, and proceeds obtained by the department of attorney general  
24 from a designated action.

25 (b) "Damages or refunds" means damages or refunds obtained by  
26 the department of attorney general from a designated action.

27 (c) "Designated action" means a judgment, settlement,  
28 compromise, or assurance of discontinuance or voluntary compliance,  
29 or other agreement relating to any of the following:



1           (i) An alleged violation of this act or any other law with a  
2 purpose of protecting persons against fraudulent or other unfair or  
3 deceptive trade practices.

4           (ii) Any alleged anti-competitive conduct within trade or  
5 commerce.

6           (iii) An alleged violation of law with a purpose of protecting  
7 charitable gifts or charitable assets.