



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4015 (Substitute H-3 as reported without amendment)

Sponsor: Representative Sarah Lightner

House Committee: Regulatory Reform

Senate Committee: Regulatory Reform

CONTENT

The bill would amend the Michigan Consumer Protection Act to require a third party that offered online services that were performed by a State agency, department, or division, and was not affiliated or under contract to do so for that agency, department, or division do all of the following:

- Have a conspicuous notification on its website stating that it was not a State agency, department, or division.
- Have a conspicuous notification on its website stating that its services were not endorsed or approved by a State agency, department, or division.
- Have a conspicuous notification on its website stating that it was not affiliated or under contract to perform online services for a State agency, department, or division.
- Provide a link on its website to the website of the State agency, department, or division on which a person could use the online service.
- Ensure that a conspicuous notification occurred for any fee it would charge for the online service before a transaction for the service was completed.

Failure to comply with the above requirement would be considered a violation of the bill.

The bill also specifies that a violation of the bill would constitute an unfair, unconscionable, or deceptive method, act, or practice in the conduct of trade or commerce. (Generally, the Attorney General may bring an action to enjoin, temporarily or permanently, a person engaging or about to engage in prohibited conduct, as well as a class action for individuals harmed by a violation. For persistent and knowing violations, a court may assess a civil fine of up to \$25,000 and costs for the prevailing party. In addition, a person also may bring an action to obtain a declaratory judgment that a method, act, or practice is unlawful and/or to enjoin the unlawful conduct, and also may bring an action to recover actual damages or \$250, whichever is greater, and attorney fees.)

MCL 445.903 et al.

Legislative Analyst: Christian Schmidt

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-10-21

Fiscal Analyst: Joe Carrasco