

HOUSE BILL NO. 5257

August 17, 2021, Introduced by Reps. Cambensy and Markkanen 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~~ **Except as provided in subsection (4), this**
2 act does not apply to either of the 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.

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

9 (2) ~~Except~~ **Except as provided in subsection (4), and except**
10 for the purposes of an action filed by a person under section 11,
11 this act does not apply to or create a cause of action for an
12 unfair, unconscionable, or deceptive method, act, or practice that
13 is made unlawful by any of the following:

14 (a) The banking code of 1999, 1999 PA 276, MCL 487.11101 to
15 487.15105.

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

17 (c) The motor carrier act, 1933 PA 254, MCL 475.1 to
18 ~~479.43.~~ **479.42.**

19 (d) The savings bank act, 1996 PA 354, MCL 487.3101 to
20 487.3804.

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

22 (3) ~~This~~ **Except as provided in subsection (4), this** act does
23 not apply to or create a cause of action for an unfair,
24 unconscionable, or deceptive method, act, or practice that is made
25 unlawful by chapter 20 of the insurance code of 1956, 1956 PA 218,
26 MCL 500.2001 to 500.2093, if either of the following is met:

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

29 (b) The method, act, or practice occurred before March 28,

1 2001. However, this subdivision does not apply to or limit a cause
2 of action filed with a court concerning a method, act, or practice
3 if the cause of action was filed in a court of competent
4 jurisdiction on or before June 5, 2014.

5 **(4) Subsections (1), (2), and (3) do not apply to a person**
6 **regulated by article 9 of the occupational code, 1980 PA 299, MCL**
7 **339.901 to 339.920.**

8 **(5) ~~(4)~~**—The burden of proving an exemption from this act is
9 upon the person claiming the exemption.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. _____ or House Bill No.5256(request no.
12 03156'21) of the 101st Legislature is enacted into law.