

Act No. 22
Public Acts of 2022
Approved by the Governor
March 10, 2022
Filed with the Secretary of State
March 10, 2022
EFFECTIVE DATE: March 30, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Rep. Lightner

ENROLLED HOUSE BILL No. 5294

AN ACT to amend 1976 PA 331, entitled “An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,” by amending section 3m (MCL 445.903m), as added by 2021 PA 46.

The People of the State of Michigan enact:

Sec. 3m. (1) If a third party charges customers a fee or requires customers to disclose personal information for online services that are similar to online services performed by a governmental agency in this state and the third party is not affiliated with that governmental agency or under contract with that governmental agency to provide those online services, the third party shall do all of the following:

(a) Have a conspicuous notification on the website offering those online services stating that the third party is not a governmental agency of this state.

(b) Have a conspicuous notification on the website offering those online services stating that the third party's services are not endorsed or approved by a governmental agency of this state.

(c) Have a conspicuous notification on the website offering those online services stating that the third party is not affiliated with a governmental agency of this state or under contract with a governmental agency of this state to provide those online services.

(d) Provide a link on the website offering those online services to the website of the governmental agency of this state on which a person may utilize the governmental agency's online service.

(e) Before a transaction for an online service is completed, ensure that a conspicuous notification of any fee it will charge for the online service occurs.

(2) A person that is not part of or associated with a governmental entity shall not do any of the following:

(a) Simulate a summons, complaint, jury notice, or other court, judicial, or administrative process of any kind.

(b) Represent, imply, or otherwise engage in an action that may reasonably cause confusion that the person using or employing the action is a part of or associated with a governmental entity.

(c) Represent, imply, or otherwise reasonably cause confusion that goods, services, an advertisement, or an offer was disseminated by or has been approved, authorized, or endorsed, in whole or in part, by a governmental entity, when such is not true.

(d) Use or employ language, symbols, logos, representations, statements, titles, names, seals, emblems, insignia, trade or brand names, business or control tracking numbers, website or email addresses, or any other term, symbol, or other content that represents or implies or otherwise reasonably causes confusion that goods, services, an advertisement, or an offer is from a governmental entity, when such is not true.

(3) As used in this section:

(a) "Conspicuous notification" means, at a minimum, for a notification that is on a website, a notification that is on the opening page of that website, is in a type size that is the same or larger than the largest type size on that website, and is in boldface, capital letters.


(b) "Governmental agency" means this state or a political subdivision of this state.

(c) "Online services performed by a governmental agency in this state" means any service that a governmental agency in this state offers to members of the public on a website, including processes for booking appointments, completing or filing forms, downloading documents, and making payments.

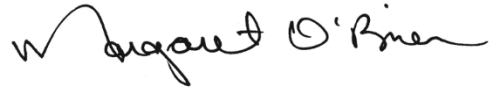
(d) "Third party" means a person that is not an agency, department, or division of this state.

Enacting section 1. This amendatory act takes effect 91 days after adjournment of the legislature's 2021 regular session sine die.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor