

HOUSE BILL NO. 4755

July 29, 2025, Introduced by Reps. Jenkins-Arno, Neyer, Cavitt, Markkanen, Johnsen, Kunse, Kelly, Robinson, Fox, DeBoer, Steele and BeGole and referred to Committee on Judiciary.

A bill to amend 1976 PA 331, entitled
"Michigan consumer protection act,"
by amending section 3 (MCL 445.903), as amended by 2022 PA 152, and
by adding section 3j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) Unfair, unconscionable, or deceptive methods,
- 2 acts, or practices in the conduct of trade or commerce are unlawful
- 3 and are defined as follows:
- 4 (a) Causing a probability of confusion or misunderstanding as

1 to the source, sponsorship, approval, or certification of goods or
2 services.

3 (b) Using deceptive representations or deceptive designations
4 of geographic origin in connection with goods or services.

5 (c) Representing that goods or services have sponsorship,
6 approval, characteristics, ingredients, uses, benefits, or
7 quantities that ~~they~~**the goods or services** do not have or that a
8 person has sponsorship, approval, status, affiliation, or
9 connection that ~~he or she~~**the person** does not have.

10 (d) Representing that goods are new if ~~they~~**the goods** are
11 deteriorated, altered, reconditioned, used, or secondhand.

12 (e) Representing that goods or services are of a particular
13 standard, quality, or grade, or that goods are of a particular
14 style or model, if ~~they~~**the goods** are of another.

15 (f) Disparaging the goods, services, business, or reputation
16 of another by false or misleading representation of fact.

17 (g) Advertising or representing goods or services with intent
18 not to dispose of those goods or services as advertised or
19 represented.

20 (h) Advertising goods or services with intent not to supply
21 reasonably expectable public demand, unless the advertisement
22 discloses a limitation of quantity in immediate conjunction with
23 the advertised goods or services.

24 (i) Making false or misleading statements of fact concerning
25 the reasons for, existence of, or amounts of price reductions.

26 (j) Representing that a part, replacement, or repair service
27 is needed when it is not.

28 (k) Representing to a party to whom goods or services are
29 supplied that the goods or services are being supplied in response

1 to a request made by or on behalf of the party, when ~~they~~**the goods**
2 **or services** are not.

3 (l) Misrepresenting that because of some defect in a consumer's
4 home the health, safety, or lives of the consumer or ~~his or her~~**the**
5 family **of the consumer** are in danger if the product or services are
6 not purchased, when in fact the defect does not exist or the
7 product or services would not remove the danger.

8 (m) Causing a probability of confusion or of misunderstanding
9 with respect to the authority of a salesperson, representative, or
10 agent to negotiate the final terms of a transaction.

11 (n) Causing a probability of confusion or of misunderstanding
12 as to the legal rights, obligations, or remedies of a party to a
13 transaction.

14 (o) Causing a probability of confusion or of misunderstanding
15 as to the terms or conditions of credit if credit is extended in a
16 transaction.

17 (p) Disclaiming or limiting the implied warranty of
18 merchantability and fitness for use, unless a disclaimer is clearly
19 and conspicuously disclosed.

20 (q) Representing or implying that the subject of a consumer
21 transaction will be provided promptly, or at a specified time, or
22 within a reasonable time, if the merchant knows or has reason to
23 know it will not be so provided.

24 (r) Representing that a consumer will receive goods or
25 services free or without charge, or using words of similar import
26 in the representation, without clearly and conspicuously disclosing
27 with equal prominence in immediate conjunction with the use of
28 those words the conditions, terms, or prerequisites to the use or
29 retention of the goods or services advertised.

1 (s) Failing to reveal a material fact, the omission of which
2 tends to mislead or deceive the consumer, and which fact could not
3 reasonably be known by the consumer.

4 (t) Entering into a consumer transaction in which the consumer
5 waives or purports to waive a right, benefit, or immunity provided
6 by law, unless the waiver is clearly stated and the consumer has
7 specifically consented to it.

8 (u) Failing, in a consumer transaction that is rescinded,
9 canceled, or otherwise terminated in accordance with the terms of
10 an agreement, advertisement, representation, or provision of law,
11 to promptly restore to ~~the any person or persons~~ entitled to it a
12 deposit, down payment, or other payment, or in the case of property
13 traded in but not available, the greater of the agreed value or the
14 fair market value of the property, or to cancel within a specified
15 time or an otherwise reasonable time an acquired security interest.

16 (v) Taking or arranging for the consumer to sign an
17 acknowledgment, certificate, or other writing affirming acceptance,
18 delivery, compliance with a requirement of law, or other
19 performance, if the merchant knows or has reason to know that the
20 statement is not true.

21 (w) Representing that a consumer will receive a rebate,
22 discount, or other benefit as an inducement for entering into a
23 transaction, if the benefit is contingent on an event to occur
24 subsequent to the consummation of the transaction.

25 (x) Taking advantage of the consumer's inability reasonably to
26 protect ~~his or her~~ **the consumer's** interests by reason of
27 disability, illiteracy, or inability to understand the language of
28 an agreement presented by the other party to the transaction who
29 knows or reasonably should know of the consumer's inability.

1 (y) Gross discrepancies between the oral representations of
2 the seller and the written agreement covering the same transaction
3 or failure of the other party to the transaction to provide the
4 promised benefits.

5 (z) Charging the consumer a price that is grossly in excess of
6 the price at which similar property or services are sold.

7 (aa) Causing coercion and duress as the result of the time and
8 nature of a sales presentation.

9 (bb) Making a representation of fact or statement of fact
10 material to the transaction such that a person reasonably believes
11 the represented or suggested state of affairs to be other than it
12 actually is.

13 (cc) Failing to reveal facts that are material to the
14 transaction in light of representations of fact made in a positive
15 manner.

16 (dd) Subject to subdivision (ee), representing as the
17 manufacturer of a product or package that the product or package is
18 1 or more of the following:

19 (i) Except as provided in subparagraph (ii), recycled,
20 recyclable, degradable, or is of a certain recycled content, in
21 violation of guides for the use of environmental marketing claims,
22 16 CFR part 260.

23 (ii) For container holding devices regulated under part 163 of
24 the natural resources and environmental protection act, 1994 PA
25 451, MCL 324.16301 to 324.16303, degradable contrary to the
26 definition **of degradable** provided in ~~that act.~~ **section 16301 of the**
27 **natural resources and environmental protection act, 1994 PA 451,**
28 **MCL 324.16301.**

29 (ee) Representing that a product or package is degradable,

1 biodegradable, or photodegradable unless it can be substantiated by
2 evidence that the product or package will completely decompose into
3 elements found in nature within a reasonably short period of time
4 after consumers use the product and dispose of the product or the
5 package in a landfill or composting facility, as appropriate.

6 (ff) Offering a consumer a prize if the consumer is required
7 to submit to a sales presentation to claim the prize, unless a
8 written disclosure is given to the consumer at the time the
9 consumer is notified of the prize and the written disclosure meets
10 all of the following requirements:

11 (i) Is written or printed in a bold type that is not smaller
12 than 10-point.

13 (ii) Fully describes the prize, including ~~its~~ **the prize's** cash
14 value, won by the consumer.

15 (iii) Contains all the terms and conditions for claiming the
16 prize, including a statement that the consumer is required to
17 submit to a sales presentation.

18 (iv) Fully describes the product, real estate, investment,
19 service, membership, or other item that is or will be offered for
20 sale, including the price of the least expensive item and the most
21 expensive item.

22 (gg) Violating 1971 PA 227, MCL 445.111 to 445.117, in
23 connection with a home solicitation sale or telephone solicitation,
24 including, but not limited to, having an independent courier
25 service or other third party pick up a consumer's payment on a home
26 solicitation sale during the period the consumer is entitled to
27 cancel the sale.

28 (hh) Except as provided in subsection (3), requiring a
29 consumer to disclose ~~his or her~~ **the consumer's** Social Security

number as a condition to selling or leasing goods or providing a service to the consumer, unless any of the following apply:

(i) The selling, leasing, providing, terms of payment, or transaction includes an application for or an extension of credit to the consumer.

(ii) The disclosure is required or authorized by applicable state or federal statute, rule, or regulation.

(iii) The disclosure is requested by a person to obtain a consumer report for a permissible purpose described in section 604 of the fair credit reporting act, 15 USC 1681b.

(iv) The disclosure is requested by a landlord, lessor, or property manager to obtain a background check of the individual in conjunction with the rent or leasing of real property.

(v) The disclosure is requested from an individual to effect, administer or enforce a specific telephonic or other electronic consumer transaction that is not made in person but is requested or authorized by the individual if it is to be used solely to confirm the identity of the individual through a fraud prevention service database. The consumer good or service must still be provided to the consumer on verification of ~~his or her~~ **the consumer's** identity if ~~he or she~~ **the consumer** refuses to provide ~~his or her~~ **the consumer's** Social Security number but provides other information or documentation that can be used by the person to verify ~~his or her~~ **the consumer's** identity. The person may inform the consumer that verification through other means than use of the Social Security number may cause a delay in providing the service or good to the consumer.

(ii) If a credit card or debit card is used for payment in a consumer transaction, issuing or delivering a receipt to the

1 consumer that displays any part of the expiration date of the card
2 or more than the last 4 digits of the consumer's account number.
3 This subdivision does not apply if the only receipt issued in a
4 consumer transaction is a credit card or debit card receipt on
5 which the account number or expiration date is handwritten,
6 mechanically imprinted, or photocopied. This subdivision applies to
7 any consumer transaction that occurs on or after March 1, 2005,
8 except that if a credit or debit card receipt is printed in a
9 consumer transaction by an electronic device, this subdivision
10 applies to any consumer transaction that occurs using that device
11 only after 1 of the following dates, as applicable:

12 (i) If the electronic device is placed in service after March
13 1, 2005, July 1, 2005 or the date the device is placed in service,
14 whichever is later.

15 (ii) If the electronic device is in service on or before March
16 1, 2005, July 1, 2006.

17 (jj) Violating section 11 of the identity theft protection
18 act, 2004 PA 452, MCL 445.71.

19 (kk) Advertising or conducting a live musical performance or
20 production in this state through the use of a false, deceptive, or
21 misleading affiliation, connection, or association between a
22 performing group and a recording group. This subdivision does not
23 apply if any of the following are met:

24 (i) The performing group is the authorized registrant and owner
25 of a federal service mark for that group registered in the United
26 States Patent and Trademark Office.

27 (ii) At least 1 member of the performing group was a member of
28 the recording group and has a legal right to use the recording
29 group's name, by virtue of use or operation under the recording

1 group's name without having abandoned the name or affiliation with
2 the recording group.

3 (iii) The live musical performance or production is identified
4 in all advertising and promotion as a salute or tribute and the
5 name of the vocal or instrumental group performing is not so
6 closely related or similar to that used by the recording group that
7 it would tend to confuse or mislead the public.

8 (iv) The advertising does not relate to a live musical
9 performance or production taking place in this state.

10 (v) The performance or production is expressly authorized by
11 the recording group.

12 (ll) Violating section 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, or
13 3o.

14 (2) The attorney general may promulgate rules to implement
15 this act under the administrative procedures act of 1969, 1969 PA
16 306, MCL 24.201 to 24.328. The rules must not create an additional
17 unfair trade practice not already enumerated by this section.
18 However, to assure national uniformity, rules must not be
19 promulgated to implement subsection (1)(dd) or (ee).

20 (3) Subsection (1)(hh) does not apply to either of the
21 following:

22 (a) Providing a service related to the administration of
23 health-related or dental-related benefits or services to patients,
24 including provider contracting or credentialing. This subdivision
25 is intended to limit the application of subsection (1)(hh) and is
26 not intended to imply that this act would otherwise apply to
27 health-related or dental-related benefits.

28 (b) An employer providing benefits or services to an employee.

29 **Sec. 3j. (1) A person engaged in trade or commerce that sells**

1 a ticket online for an entertainment event shall not do any of the
2 following:

3 (a) Without prior authorization, use, or cause to be used, an
4 internet domain name or subdomain name in the person's URL that
5 contains any of the following:

6 (i) The name of the place of entertainment.

7 (ii) The name of the entertainment event, including the name of
8 the individual or person scheduled to perform or appear at the
9 entertainment event.

10 (iii) A name substantially similar to a name described under
11 subparagraph (i) or (ii).

12 (b) Without prior authorization, use, or cause to be used, a
13 website that displays a text, image, website graphic, website
14 design, or internet address that is substantially similar to an
15 operator's website in a manner that could reasonably be expected to
16 mislead a consumer as to the identity of the seller when buying a
17 ticket.

18 (c) Sell the ticket without disclosing the total price of the
19 ticket, including any ancillary fees, to the consumer.

20 (d) Sell the ticket without disclosing in a clear and
21 conspicuous manner the portion of the total price of the ticket
22 that represents a service charge or other fee or surcharge for the
23 purchase of the ticket.

24 (e) Display any subtotal, fee, charge, or other component of
25 the total price of the ticket more prominently or in a font size
26 that is larger than the font size used to present the total price
27 of the ticket.

28 (f) Make a false or misleading disclosure to a consumer of a
29 subtotal, fee, charge, or other component of the total price of a

1 ticket.

2 (g) Increase the total price of a ticket after the initial
3 display of the price of the ticket to the consumer, except if
4 either of the following applies:

5 (i) The consumer's transaction period has timed out and the
6 consumer has not purchased a ticket.

7 (ii) The increase in price is due to either of the following:

8 (A) Any applicable sales tax.

9 (B) A fee for the delivery of nonelectronic tickets based on
10 delivery to the consumer's address or the delivery method selected
11 by the consumer, if the person discloses the amount of each
12 delivery fee.

13 (2) As used in this section:

14 (a) "Entertainment event" means a performance, concert,
15 exhibit, athletic game, or contest to which all of the following
16 apply:

17 (i) An entry fee is charged to attend.

18 (ii) The public is invited to observe.

19 (iii) Tickets are sold.

20 (b) "Internet domain name or subdomain name" means a globally
21 unique, hierarchical reference to an internet host that is assigned
22 through a centralized internet naming authority and composed of a
23 series of character strings separated by periods with the rightmost
24 string specifying the top of the hierarchy.

25 (c) "Operator" means a person that owns, operates, or controls
26 a place of entertainment or that promotes or produces entertainment
27 and that sells a ticket to an entertainment event as the first sale
28 of the ticket.

29 (d) "Place of entertainment" means a public or private

- 1 entertainment facility where an entertainment event is held.
- 2 (e) "URL" means a uniform resource locator for a website on
- 3 the internet.