

HOUSE BILL NO. 5998

April 12, 2022, Introduced by Reps. Rabhi, Rogers, Breen, Cavanagh, Hood, Stone, Bezotte, Sneller, Steckloff, Weiss, Tyrone Carter, Brabec, Cynthia Johnson, O'Neal, Thanedar, Koleszar, LaGrand, Neeley, Sowerby, Hope, Brixie, Aiyash, Pohutsky, Haadsma, Morse, Lasinski, Puri, Green, Peterson, Young and Jones and referred to the Committee on Insurance.

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 act does not apply to either of the
2 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. **However,**

1 the existence of a rule or statute or the grant of a license that
 2 regulates or authorizes a general transaction of a person engaged
 3 in trade or commerce in this state does not exempt that person
 4 under this subdivision. This subdivision does not exempt a person
 5 engaged in trade or commerce in this state from the requirements of
 6 this act on the basis that the general conduct of the business of
 7 that person is regulated by law.

8 (b) An act done by the publisher, owner, agent, or employee of
 9 a newspaper, periodical, directory, radio or television station, or
 10 other communications medium in the publication or dissemination of
 11 an advertisement unless the publisher, owner, agent, or employee
 12 knows or, under the circumstances, reasonably should know of the
 13 false, misleading, or deceptive character of the advertisement or
 14 has a direct financial interest in the sale or distribution of the
 15 advertised goods, property, or service.

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

20 ~~(a) The banking code of 1999, 1999 PA 276, MCL 487.11101 to~~
 21 ~~487.15105.~~

22 (a) ~~(b)~~ 1939 PA 3, MCL 460.1 to 460.11.

23 (b) ~~(e)~~ The motor carrier act, 1933 PA 254, MCL 475.1 to
 24 ~~479.43.479.42.~~

25 ~~(d) The savings bank act, 1996 PA 354, MCL 487.3101 to~~
 26 ~~487.3804.~~

27 (c) ~~(e)~~ The credit union act, 2003 PA 215, MCL 490.101 to
 28 490.601.

29 ~~(3) This act does not apply to or create a cause of action for~~

1 ~~an unfair, unconscionable, or deceptive method, act, or practice~~
2 ~~that is made unlawful by chapter 20 of the insurance code of 1956,~~
3 ~~1956 PA 218, MCL 500.2001 to 500.2093, if either of the following~~
4 ~~is met:~~

5 ~~(a) The method, act, or practice occurred on or after March~~
6 ~~28, 2001.~~

7 ~~(b) The method, act, or practice occurred before March 28,~~
8 ~~2001. However, this subdivision does not apply to or limit a cause~~
9 ~~of action filed with a court concerning a method, act, or practice~~
10 ~~if the cause of action was filed in a court of competent~~
11 ~~jurisdiction on or before June 5, 2014.~~

12 **(3)** ~~(4)~~ The burden of proving an exemption from this act is
13 upon the person claiming the exemption.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.