

MICHIGAN CONSUMER PROTECTION ACT (EXCERPT)
Act 331 of 1976

445.903n Definitions for MCL 445.903o.

Sec. 3n.

As used in section 3o:

(a) "Consumer product" means any tangible personal property that is distributed in trade or commerce and that is normally used for personal, family, or household purposes regardless of whether the property is attached to or installed in, or intended to be attached to or installed in, real property.

(b) "High-volume third-party seller" means a participant on an online marketplace's platform that is a third-party seller and that, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products through the online marketplace, and for which payment was processed by the online marketplace, either directly or through its payment processor, with an aggregate total of \$5,000.00 or more in gross revenues.

(c) "Online marketplace" means a person that operates a consumer-directed electronically based or accessed platform that meets all of the following criteria:

(i) It includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in this state.

(ii) It is used by 1 or more third-party sellers for the purposes in subparagraph (i).

(iii) It has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(d) "Political subdivision" means a county, city, village, township, or other political subdivision, public corporation, authority, or district in this state.

(e) "Seller" means a person that sells, offers to sell, or contracts to sell a consumer product through an online marketplace platform. Seller does not include a new motor vehicle dealer licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(f) "Third-party seller" means a seller that is independent of an online marketplace and that sells, offers to sell, or contracts to sell a consumer product in this state through an online marketplace's platform. Third-party seller does not include either of the following:

(i) A seller that operates the online marketplace's platform.

(ii) A business entity to which all of the following apply:

(A) It has made available to the general public the entity's name, business address, and working contact information.

(B) It has an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products.

(C) It has provided to the online marketplace identifying information, as described in section 3o(1), that has been verified in accordance with section 3o(4).

(g) "Verify" means to confirm information provided to an online marketplace under section 3o(1). Verify may include the use of 1 or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, correspond to the seller or an individual acting on the seller's behalf, are not misappropriated, and are not falsified.

History: Add. 2022, Act 153, Eff. Jan. 1, 2023