

HOUSE BILL No. 5557

February 25, 1992, Introduced by Reps. Robertson, Randall, McBryde, McNutt, Horton, Bodem, Walberg, Bandstra, Allen, Jaye, London, Strand, Harder, Rocca and Dolan and referred to the Committee on Public Utilities.

A bill to amend Act No. 179 of the Public Acts of 1991,
entitled

"Michigan telecommunications act,"

being sections 484.2101 to 484.2605 of the Michigan Compiled
Laws, by adding section 309b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 179 of the Public Acts of 1991, being
2 sections 484.2101 to 484.2605 of the Michigan Compiled Laws, is
3 amended by adding section 309b to read as follows:

4 SEC. 309B. (1) AS USED IN THIS SECTION:

5 (A) "EXPLICIT SEXUAL MATERIAL" MEANS EITHER A RECORDED OR
6 LIVE TELEPHONE COMMUNICATION THAT IS A REPRESENTATION OR DESCRIP-
7 TION OF A SEXUAL ACT.

8 (B) "TELEPHONE MESSAGE SERVICE" MEANS A BUSINESS THAT
9 PROVIDES BY TELEPHONE A COMMERCIAL, INFORMATIONAL, PUBLIC

1 SERVICE, OR OTHER MESSAGE TO A CALLER FOR A SPECIFIC CHARGE THAT
2 WILL BE BILLED TO THE CALLER BY THE CALLER'S BASIC LOCAL EXCHANGE
3 PROVIDER.

4 (2) PRIOR TO THE PRESENTATION OF A MESSAGE, A TELEPHONE MES-
5 SAGE SERVICE SHALL NOTIFY THE CALLER OF THE COST OF THE CALL AND
6 THAT THE CHARGE WILL BE ITEMIZED ON THE CALLER'S TELEPHONE BILL.
7 THE CALLER SHALL ALSO BE NOTIFIED IF THE MESSAGE CONTAINS
8 EXPLICIT SEXUAL MATERIAL.

9 (3) TO COMPLETE A CALL TO A TELEPHONE MESSAGE SERVICE WHOSE
10 MESSAGE CONTAINS EXPLICIT SEXUAL MATERIAL, THE CALLER SHALL HAVE
11 FIRST OBTAINED IN WRITING AN ACCESS CODE NUMBER OR OTHER PERSONAL
12 IDENTIFICATION NUMBER, CONSISTING OF NOT LESS THAN 9 DIGITS, FROM
13 THE TELEPHONE MESSAGE SERVICE. THE ACCESS CODE NUMBER OR PER-
14 SONAL IDENTIFICATION NUMBER NEEDED TO COMPLETE CALLS CONTAINING
15 EXPLICIT SEXUAL MATERIAL SHALL NOT BE ISSUED TO A MINOR.

16 (4) THE TELEPHONE MESSAGE SERVICE SHALL NOT COMPLETE A CALL
17 BEFORE RECEIVING THE ACCESS CODE NUMBER OR PERSONAL IDENTIFICA-
18 TION NUMBER.

19 (5) LOCAL TELEPHONE COMPANIES SHALL LIST ALL COMPLETED TELE-
20 PHONE MESSAGE SERVICE CALLS ON THE CUSTOMER'S TELEPHONE BILL AND
21 SHALL DESIGNATE THE TYPE OR TITLE OF THE MESSAGE.

22 (6) THE TELEPHONE COMPANY SHALL PROVIDE UPON REQUEST, AT NO
23 COST TO THE CUSTOMER, THE NAME AND ADDRESS OF A TELEPHONE MESSAGE
24 SERVICE PROVIDER ITEMIZED ON THE CUSTOMER'S BILL.

25 (7) A TELEPHONE MESSAGE SERVICE THAT VIOLATES THIS SECTION
26 IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT
27 MORE THAN 1 YEAR, OR BY A FINE OF NOT MORE THAN \$1,000.00, OR

1 BOTH. EACH CALL COMPLETED IN VIOLATION OF THIS SECTION SHALL BE
2 TREATED AS A SEPARATE OFFENSE UNDER THIS SUBSECTION.