

HOUSE BILL No. 5765

April 15, 1992, Introduced by Reps. Perry Bullard, Bennane, Trim, Bennett, Wozniak, Gire, Barns, Muxlow, Sparks, Harder and Profit and referred to the Committee on Judiciary.

A bill to regulate telephone solicitation; to prohibit certain activities; and to provide for penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "telephone solicitation act".

3 Sec. 2. As used in this act:

4 (a) "Person" means an individual, organization, group, asso-
5 ciation, partnership, corporation, trust, or any other legal
6 entity.

7 (b) "Telephone solicitation" means an unsolicited telephone
8 call initiated by a person to a residential telephone number for
9 the purpose of encouraging a person to purchase a product or
10 service or to make a financial contribution. Telephone
11 solicitation does not include any of the following:

1 (i) Calls made in response to a request or inquiry by the
2 called party.

3 (ii) Calls limited to expressing ideas or opinions or solici-
4 iting the expression of ideas or opinions.

5 (iii) Business-to-business contacts.

6 Sec. 3. (1) If at any time a person who receives a tele-
7 phone solicitation states or indicates that he or she does not
8 wish to be called again by the company or organization or wants
9 to have his or her name and individual telephone number removed
10 from the telephone lists used by the company or organization
11 making the telephone solicitation, then the company or organi-
12 zation shall not make any additional telephone solicitation to
13 that telephone number.

14 (2) The company or organization shall not sell or give the
15 called party's name and telephone number to another company or
16 organization.

17 Sec. 4. A person shall not make a telephone solicitation
18 which includes, in whole or in part, the use of a computer gener-
19 ated message.

20 Sec. 5. A person shall not, in connection with a telephone
21 solicitation, misrepresent, mislead, or make false statements to
22 another person.

23 Sec. 6. (1) A person who violates this act is guilty of a
24 civil infraction punishable by a fine of not more than
25 \$2,000.00.

1 (2) A person who is guilty of a second or subsequent offense
2 under this act is guilty of a civil infraction punishable by a
3 fine of not more than \$10,000.00.

4 (3) This section does not limit or restrict prosecution
5 under the general criminal statutes of this state.

6 Sec. 7. (1) An individual may bring a civil action for vio-
7 lation of this act for 3 times the amount of actual damages or
8 \$2,000.00, whichever is greater, plus court costs and reasonable
9 attorney fees.

10 (2) This section does not limit or restrict any other civil
11 remedies an individual may bring against a person who violates
12 this act.

13 Sec. 8. This act shall take effect January 1, 1993.