



# HOUSE BILL No. 5821

September 20, 1994, Introduced by Rep Llewellyn 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 404

## 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 404 to read as follows

4 SEC 404 (1) AS USED IN THIS ACT

5 (A) "PERSON" MEANS AN INDIVIDUAL, ORGANIZATION, GROUP, ASSO-  
6 CIATION, PARTNERSHIP, CORPORATION, TRUST, OR ANY OTHER LEGAL  
7 ENTITY

8 (B) "TELEPHONE SOLICITATION" MEANS AN UNSOLICITED TELEPHONE  
9 CALL INITIATED BY A PERSON TO A RESIDENTIAL TELEPHONE NUMBER FOR

1 THE PURPOSE OF ENCOURAGING A PERSON TO PURCHASE A PRODUCT OR  
2 SERVICE OR TO MAKE A FINANCIAL CONTRIBUTION TELEPHONE SOLICITA-  
3 TION DOES NOT INCLUDE ANY OF THE FOLLOWING

4 (1) CALLS MADE IN RESPONSE TO A REQUEST OR INQUIRY BY THE  
5 CALLED PARTY

6 (2) CALLS LIMITED TO EXPRESSING IDEAS OR OPINIONS OR SOLIC-  
7 ITING THE EXPRESSION OF IDEAS OR OPINIONS

8 (3) BUSINESS-TO-BUSINESS CONTACTS

9 (2) IF AT ANY TIME A PERSON WHO RECEIVES A TELEPHONE SOLICI-  
10 TATION STATES OR INDICATES THAT HE OR SHE DOES NOT WISH TO BE  
11 CALLED AGAIN BY THE COMPANY OR ORGANIZATION OR WANTS TO HAVE HIS  
12 OR HER NAME AND INDIVIDUAL TELEPHONE NUMBER REMOVED FROM THE  
13 TELEPHONE LISTS USED BY THE COMPANY OR ORGANIZATION MAKING THE  
14 TELEPHONE SOLICITATION, THEN THE COMPANY OR ORGANIZATION SHALL  
15 NOT MAKE ANY ADDITIONAL TELEPHONE SOLICITATION TO THAT TELEPHONE  
16 NUMBER THE COMPANY OR ORGANIZATION SHALL NOT SELL OR GIVE THE  
17 CALLED PARTY'S NAME AND TELEPHONE NUMBER TO ANOTHER COMPANY OR  
18 ORGANIZATION

19 (3) A PERSON SHALL NOT MAKE A TELEPHONE SOLICITATION WHICH  
20 INCLUDES, IN WHOLE OR IN PART, THE USE OF A COMPUTER GENERATED  
21 MESSAGE

22 (4) A PERSON SHALL NOT, IN CONNECTION WITH A TELEPHONE  
23 SOLICITATION, MISREPRESENT, MISLEAD, OR MAKE FALSE STATEMENTS TO  
24 ANOTHER PERSON

25 (5) A PERSON SHALL NOT MAKE A TELEPHONE SOLICITATION THAT IS  
26 RECEIVED BETWEEN THE HOURS OF 9 P M AND 9 A M

1       (6) A PERSON WHO VIOLATES THIS SECTION IS LIABLE FOR A CIVIL  
2 INFRACTION PUNISHABLE BY A FINE OF NOT MORE THAN \$2,000 00

3       (7) A PERSON FOUND LIABLE FOR A SECOND OR SUBSEQUENT OFFENSE  
4 UNDER THIS SECTION IS LIABLE FOR A CIVIL INFRACTION PUNISHABLE BY  
5 A FINE OF NOT MORE THAN \$10,000 00

6       (8) THIS SECTION DOES NOT LIMIT OR RESTRICT PROSECUTION  
7 UNDER THE GENERAL CRIMINAL STATUTES OF THIS STATE

8       (9) AN INDIVIDUAL MAY BRING A CIVIL ACTION IN A COURT OF  
9 COMPETENT JURISDICTION FOR VIOLATION OF THIS SECTION FOR 3 TIMES  
10 THE AMOUNT OF ACTUAL DAMAGES OR \$2,000 00, WHICHEVER IS GREATER,  
11 PLUS COURT COSTS AND REASONABLE ATTORNEY FEES

12       (10) THIS SECTION DOES NOT LIMIT OR RESTRICT ANY OTHER CIVIL  
13 REMEDIES AN INDIVIDUAL MAY BRING AGAINST A PERSON WHO VIOLATES  
14 THIS SECTION