



SENATE BILL No. 982

April 24, 1996, Introduced by Senator SCHUETTE and referred to the Committee on Technology and Energy.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding section 2962.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as
2 amended, being sections 600.101 to 600.9947 of the Michigan
3 Compiled Laws, is amended by adding section 2962 to read as
4 follows:

5 SEC. 2962 (1) AS USED IN THIS SECTION:

6 (A) "CABLE SYSTEM EQUIPMENT" MEANS ANY CABLES, CONVERTERS,
7 DECODERS, DESCRAMBLERS, DEVICES, INSTRUMENTS, OR OTHER EQUIPMENT
8 OWNED BY A CABLE TELEVISION OPERATOR AND USED IN A CABLE
9 TELEVISION SYSTEM, INCLUDING DEVICES LEASED FROM THE CABLE

1 TELEVISION OPERATOR BY A -SUBSCRIBER FOR USE IN RECEIVING CABLE
2 TELEVISION SERVICE.

3 (B) "CABLE TELEVISION OPERATOR" MEANS A PERSON OR PERSONS
4 WHO PROVIDE CABLE TELEVISION SERVICE OVER A CABLE TELEVISION
5 SYSTEM.

6 (C) "CABLE TELEVISION SERVICE" MEANS THE TRANSMISSION OF
7 VIDEO PROGRAMMING OVER A CABLE TELEVISION SYSTEM.

8 (D) "CABLE TELEVISION SYSTEM" MEANS A FACILITY, CONSISTING
9 OF A SET OF CLOSED TRANSMISSION PATHS AND ASSOCIATED SIGNAL GEN-
10 ERATION, RECEPTION, AND CONTROL CABLE SYSTEM EQUIPMENT THAT IS
11 DESIGNED TO PROVIDE CABLE TELEVISION SERVICE.

12 (E) "UNAUTHORIZED CONNECTION" MEANS ANY PHYSICAL, ELECTRI-
13 CAL, MECHANICAL, ACOUSTICAL, OR OTHER CONNECTION TO A CABLE TELE-
14 VISION SYSTEM, WITHOUT THE SPECIFIC AUTHORITY OF THE CABLE TELE-
15 VISION OPERATOR.

16 (F) "UNAUTHORIZED DEVICE" MEANS ANY INSTRUMENT, APPARATUS,
17 CIRCUIT BOARD, EQUIPMENT, OR DEVICE DESIGNED OR ADAPTED FOR USE
18 TO FRAUDULENTLY AVOID THE LAWFUL CHARGE FOR ANY CABLE TELEVISION
19 SERVICE.

20 (G) "UNAUTHORIZED RECEIPT OF CABLE TELEVISION SERVICE" MEANS
21 THE INTERCEPTION OR RECEIPT BY ANY MEANS OF CABLE TELEVISION
22 SERVICE OVER A CABLE TELEVISION SYSTEM WITHOUT THE SPECIFIC
23 AUTHORIZATION OF THE CABLE TELEVISION OPERATOR.

24 (2) A CABLE TELEVISION OPERATOR MAY BRING AN ACTION TO
25 ENJOIN A PERSON FROM THE UNAUTHORIZED RECEIPT OF CABLE TELEVISION
26 SERVICE, USING AN UNAUTHORIZED DEVICE, MAKING AN UNAUTHORIZED
27 CONNECTION, OR COMMITTING AN ACT THAT WOULD BE IN VIOLATION OF

1 SECTION 540F OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE
2 PUBLIC ACTS OF 1931, BEING SECTION 750.540F OF THE MICHIGAN
3 COMPILED LAWS, AND MAY SEEK 1 OR MORE OF THE FOLLOWING DAMAGES:

4 (A) ACTUAL DAMAGES.

5 (B) EXEMPLARY DAMAGES OF NOT MORE THAN \$1,000.00 OR, IF THE
6 PERSON'S ACTS WERE FOR DIRECT OR INDIRECT COMMERCIAL ADVANTAGE OR
7 FINANCIAL GAIN, EXEMPLARY DAMAGES OF NOT MORE THAN \$50,000.00.

8 (C) REASONABLE ATTORNEY FEES AND COSTS.

9 (3) IT IS NOT A NECESSARY PREREQUISITE TO BRING AN ACTION
10 UNDER THIS SECTION THAT THE CABLE TELEVISION OPERATOR HAVE SUF-
11 FERED ACTUAL DAMAGES.

12 (4) AN ACTION UNDER THIS SECTION IS IN ADDITION TO ANY OTHER
13 PENALTIES OR REMEDIES PROVIDED BY LAW.

14 (5) EACH ACT PROHIBITED BY THIS SECTION IS A SEPARATE CAUSE
15 OF ACTION.