

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4972 (as passed by the House)
Sponsor: Representative Penny Crissman
House Committee: Consumer Protection
Senate Committee: Financial Services

Date Completed: 3-18-98

CONTENT

The bill would amend Public Act 48 of 1990, which prohibits sending advertisements to another person by fax without the recipient's prior consent, to increase the amount recoverable in a civil action for a violation of the Act.

A person who receives an advertisement in violation of the Act may file a civil suit to recover actual damages or \$250, whichever is greater, if any of the following occurred before the person received the advertisement:

- The Attorney General issued a notice to cease and desist, under the Act, to the person who sent the advertisement.
- The sender entered into an assurance of discontinuance under the Act.
- The person notified the sender in writing that the sender did not have the person's consent to send an advertisement.

The bill would allow the recovery of actual damages or \$500, whichever was greater, plus reasonable attorney fees.

MCL 445.1776

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.