
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5387 (as reported without amendment)
Sponsor: Representative Penny Crissman
House Committee: Public Utilities
Senate Committee: Technology and Energy

CONTENT

The bill would amend Public Act 206 of 1913, which regulates telephone companies within this State, to prohibit a caller from telephoning a residential subscriber to deliver intrastate advertising if the caller activated a feature that blocked caller identification. The bill also provides that a subscriber could recover damages of \$1,000, rather than up to \$250.

Currently, the Act prohibits a caller (an individual or a legal or commercial entity) from using a telephone line to contact a subscriber at the subscriber's residence in order to deliver a recorded message for the purpose of presenting commercial advertising to the subscriber, unless the subscriber has knowingly and voluntarily requested, permitted, or authorized the contact, or has knowingly and voluntarily provided his or her telephone number to the caller. ("Subscriber" means an individual who has subscribed to residential telephone service from a telephone company regulated by this State, and all other persons with the same legal residence as the subscribing individual.)

The bill also would prohibit a caller from using a telephone line to contact a subscriber at his or her residence in order to deliver or attempt to deliver intrastate commercial advertising if the caller activated a feature or otherwise took steps to block the display of caller identification information that would otherwise be available to the subscriber.

Currently, a subscriber who is contacted by a caller in violation of the Act may bring an action to recover damages of up to \$250, plus reasonable attorneys' fees. Under the bill, a subscriber could bring an action to recover damages of \$1,000, plus reasonable attorneys' fees.

MCL 484.125

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate impact on local units of government. Enforcement costs and revenue generated from fines would depend on the number of violations.

Date Completed: 5-21-98

Fiscal Analyst: B. Bowerman