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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5387 (as passed by the House)  
Sponsor: Representative Penny Crissman  
House Committee: Public Utilities  
Senate Committee: Technology and Energy

Date Completed: 5-19-98

### **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 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. ("Caller" means an individual, corporation, firm, partnership, association, or legal or commercial entity that contacts or attempts to contact a subscriber in this State via telephone or by using a telephone line. "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. ("Caller identification information" would mean the telephone number from which the call originated or the name of the individual, corporation, partnership, association, or other legal entity subscribing to that telephone number. "Intrastate" would mean originating and delivering within this State.)

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.

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.