

HOUSE BILL NO. 4972

(As amended November 5, 1997)

A bill to amend 1990 PA 48, entitled

"An act to prohibit the use of a facsimile machine to transmit unsolicited advertising messages; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties,"

by amending section 6 (MCL 445.1776).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 6. ~~The~~ A person ~~receiving~~ WHO RECEIVES an adver-  
2 tisement in violation of this act may file a civil suit in the  
3 court of proper jurisdiction to recover actual damages ~~—~~ or  
4 ~~-\$250.00~~ [~~\$1,000.00~~ \$500.00], whichever is greater, PLUS REASONABLE  
5 ATTOR-  
6 NEY FEES, if any of the following ~~had~~ occurred ~~prior to~~  
7 BEFORE the person ~~receiving~~ RECEIVED the advertisement:  
8       (a) The attorney general ~~had~~ issued a notice to cease and  
desist under section 3 to the person who sent the advertisement.

1           (b) The person who sent the advertisement ~~had~~ entered into  
2 an assurance of discontinuance under section 4.

3           (c) The person ~~had~~ notified the sender in writing that the  
4 sender did not have the person's consent to send an  
5 advertisement.