

HOUSE BILL No. 4869

June 4, 1997, Introduced by Reps. Raczkowski, Hammerstrom, Rhead, Jelinek, Green, Cassis, Richner, Thomas, Gustafson, Kukuk, Byl, Birkholz, Law, McBryde, Goschka, Bodem, Geiger, Scranton, Johnson, Jaye, Lowe, Anthony, Varga, Palamara, Stallworth, DeVuyst, Sikkema, McNutt, Alley, Gernaat, Kaza, Murphy, Cropsey, Wetters, Oxender, Perricone, Voorhees and Middaugh and referred to the Committee on Consumer Protection.

A bill to amend 1976 PA 331, entitled
"Michigan consumer protection act,"
(MCL 445.901 to 445.922) by adding section 3c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 3C. (1) A PERSON WHO PROVIDES AN INDIVIDUAL RESIDING
2 IN THIS STATE WITH A WRITTEN SOLICITATION THAT IDENTIFIES THE
3 INDIVIDUAL AS THE WINNER OF A SWEEPSTAKES OR CONTEST SHALL
4 INCLUDE ON THE FIRST PAGE OF THE WRITTEN SOLICITATION A NOTICE
5 CONTAINING ALL OF THE FOLLOWING IN NOT LESS THAN 14-POINT TYPE:
6 (A) THE FOLLOWING STATEMENT IN THE FOLLOWING FORM: "THIS IS
7 NOT A PRIZE OR A NOTICE OF A PRIZE. YOU HAVE NOT WON ANYTHING
8 UNLESS YOU COMPLY WITH THE CONDITIONS DESCRIBED IN THIS
9 DOCUMENT." .
10 (B) A STATEMENT THAT IDENTIFIES WITH SPECIFICITY EACH
11 CONDITION REQUIRED TO BE MET BEFORE THE INDIVIDUAL MAY RECEIVE

1 THE SWEEPSTAKES OR CONTEST WINNINGS DESCRIBED IN THE
2 SOLICITATION.

3 (C) A STATEMENT THAT IDENTIFIES WITH SPECIFICITY ANY COST
4 THE INDIVIDUAL MAY INCUR BY RESPONDING TO THE SOLICITATION.

5 (2) IF A WRITTEN SOLICITATION DESCRIBED IN SUBSECTION (1)
6 APPEARS ON THE ENVELOPE OR PACKAGE OF AN ITEM ADDRESSED TO AN
7 INDIVIDUAL RESIDING IN THIS STATE, THE ENVELOPE OR PACKAGE BEAR-
8 ING THE SOLICITATION SHALL ALSO INCLUDE THE NOTICE DESCRIBED IN
9 SUBSECTION (1).

10 (3) A PERSON WHO PROVIDES AN INDIVIDUAL RESIDING IN THIS
11 STATE WITH AN ORAL SOLICITATION DESCRIBED IN SUBSECTION (1) SHALL
12 DO BOTH OF THE FOLLOWING:

13 (A) AT THE TIME OF THE SOLICITATION, ORALLY PROVIDE THE
14 INDIVIDUAL WITH THE STATEMENTS DESCRIBED IN SUBSECTION (1).

15 (B) WITHIN 1 BUSINESS DAY AFTER THE DATE OF THE SOLICITA-
16 TION, PROVIDE THE INDIVIDUAL WITH THE WRITTEN NOTICE DESCRIBED IN
17 SUBSECTION (1).

18 (4) AS USED IN THIS SECTION, "SOLICITATION" MEANS AN OFFER
19 TO SELL OR LEASE A GOOD OR SERVICE BY EXPRESSLY OR BY IMPLICATION
20 REPRESENTING THAT THE OFFER IS AN ELEMENT OF A SWEEPSTAKES OR
21 CONTEST.