



# HOUSE BILL No. 5458

February 24, 2000, Introduced by Reps. Jansen, Rocca, Ruth Johnson, DeHart, Sanborn, Gosselin, DeRossett, Schermesser and Richardville and referred to the Committee on Energy and Technology.

A bill to amend 1971 PA 227, entitled  
"An act to prescribe the rights and duties of parties to home solicitation sales,"  
(MCL 445.111 to 445.117) by adding section 18.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 18. (1) THE COMMISSION SHALL ESTABLISH A COMPLAINT  
2 PROCEDURE TO ALLOW PERSONS, OR THE COMMISSION ON ITS OWN MOTION,  
3 TO FILE CLAIMS OF VIOLATIONS OF SECTIONS 7 THROUGH 16 OR A RULE  
4 OR ORDER ISSUED RELATING TO SECTIONS 7 THROUGH 16.
- 5 (2) EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 17, UPON THE  
6 FILING OF A CLAIM, THE COMMISSION SHALL INVESTIGATE AND MAKE  
7 FINDINGS OF WHETHER A VIOLATION HAS OCCURRED.
- 8 (3) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, IF  
9 THE COMMISSION FINDS, AFTER NOTICE AND HEARING, THAT THERE HAS  
10 BEEN A VIOLATION, IT MAY DO 1 OR MORE OF THE FOLLOWING:

1 (A) ISSUE A CEASE AND DESIST ORDER.

2 (B) ORDER THE PERSON TO PAY A FINE OF NOT LESS THAN  
3 \$10,000.00 OR MORE THAN \$50,000.00 PER DAY THAT THE PERSON IS IN  
4 VIOLATION OF THIS SECTION.

5 (C) ORDER THAT THE PERSON'S TELEPHONE SOLICITATION LICENSE  
6 BE REVOKED.

7 (4) IF THE VIOLATION WARRANTS IMMEDIATE ACTION, THE COMMIS-  
8 SION IS AUTHORIZED TO ISSUE A PRELIMINARY CEASE AND DESIST  
9 ORDER. A REQUEST FOR PRELIMINARY ORDER UNDER THIS SUBSECTION  
10 SHALL BE EITHER GRANTED OR DENIED WITHIN 3 BUSINESS DAYS FROM THE  
11 DATE THE COMPLAINT IS FILED.

12 (5) IF A PERSON VIOLATES AN ORDER ISSUED UNDER SUBSECTION  
13 (3) OR (4), THE COMMISSION MAY ORDER THE PERSON TO PAY A FINE OF  
14 NOT MORE THAN \$10,000.00 PER DAY FOR EACH DAY THE PERSON IS IN  
15 VIOLATION AND TO MAKE WHOLE ANY PERSON INJURED BY THE VIOLATION,  
16 INCLUDING THE PAYMENT OF REASONABLE ATTORNEY FEES.

17 Enacting section 1. This amendatory act does not take  
18 effect unless Senate Bill No. \_\_\_\_ or House Bill No. 5446  
19 (request no. 06035'00) of the 90th Legislature is enacted into  
20 law.