

SENATE BILL NO. 121

January 27, 1999, Introduced by Senators STEIL, BULLARD, GOSCHKA, SIKKEMA, SHUGARS, GOUGEON, MC MANUS, HAMMERSTROM and DINGELL and referred to the Committee on Technology and Energy.

A bill to regulate certain sales solicitations; to prescribe the powers and duties of certain governmental officials; and to prescribe remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Commercial sales solicitation" means a telephonic or
3 mailed attempt to induce a person to purchase or invest in real
4 property or in a consumer good, service, or commodity.

5 Commercial sales solicitation does not include an outdoor adver-
6 tisement, an advertisement in a newspaper or other publication,
7 periodical, or circular, or a solicitation made to a person at
8 the person's request.

9 (b) "Person" means an individual, partnership, corporation,
10 association, or other legal entity.

1 Sec. 2. A person who does not wish to receive commercial
2 sales solicitations may file with the attorney general a written
3 statement that expressly provides that the person wishes to have
4 his or her name placed on a list of those to whom a commercial
5 sales solicitation shall not be made. The written statement
6 shall include the following language in substantially the follow-
7 ing form:

8 "I do not wish to receive commercial sales solicitations by
9 telephone and request that my telephone number appear on a list
10 of those telephone numbers compiled by the attorney general that
11 commercial solicitors are prohibited from calling. My name and
12 address are [insert name and address]. My telephone number is
13 [insert area code and telephone number]. I understand all of the
14 following:

15 (a) That my telephone number will appear on the list for 1
16 year upon my payment of an initial fee of \$10.00.

17 (b) That I can renew the listing of my telephone number each
18 year after the first year by paying a fee of \$5.00."

19 Sec. 3. (1) The attorney general shall maintain a list of
20 names and addresses of persons described in section 2 and,
21 subject to terms and conditions that the attorney general may
22 prescribe, make that list available to any person upon the
23 person's request. The attorney general may charge a person who
24 seeks to review or obtain a copy of the list a reasonable fee for
25 making the list available to that person. The attorney general
26 shall update the list at least every 30 days.

1 (2) A person may have his or her name removed from the list
2 by providing the attorney general with a written request for the
3 removal.

4 (3) The attorney general may promulgate rules under the
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
6 24.328, to implement and administer this act.

7 Sec. 4. A person shall not make a commercial sales solici-
8 tation to a person in this state whose name and address have been
9 on the list described in section 3 for more than 30 days.

10 Sec. 5. A person who violates this act is subject to a
11 civil fine of not more than \$1,000.00 per violation.

12 Sec. 6. A recipient of a commercial sales solicitation who
13 suffers a loss as a result of a violation of this act may bring a
14 civil action to recover his or her actual damages or \$50.00,
15 whichever is greater, plus reasonable attorney fees.