



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4423 (as passed by the House)
Sponsor: Representative Lisa Wojno
House Committee: Energy and Technology
Senate Committee: Technology and Energy

Date Completed: 3-28-06

CONTENT

The bill would amend Public Act 227 of 1971, which regulates home solicitation sales, to provide that it would be an unfair or deceptive act or practice and a violation of the Act for a telephone solicitor to misrepresent in a message left for a consumer on his or her answering machine or voice mail that he or she had a current business matter or transaction or a current business or customer relationship with the solicitor or another person, and request that the consumer call the solicitor or another person to discuss that matter, transaction, or relationship.

The Act lists other actions by a telephone solicitor that constitute an unfair or deceptive act or practice and a violation of the Act. As a rule, a person who knowingly or intentionally violates these provisions is guilty of a misdemeanor punishable by up to six months' imprisonment and/or a maximum fine of \$500. In addition, a person who suffers loss as a result of a violation may bring an action to recover actual damages or \$250, whichever is greater, plus reasonable attorney fees.

MCL 445.111c

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many individuals would be convicted of the proposed offense. To the extent that the bill would result in more convictions, local governments would incur increased costs of incarceration, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.