

NATIONAL DO NOT CALL REGISTRY

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House Bill 4947 as introduced
Sponsor: Rep. Aaron Miller
Committee: Commerce and Trade
Complete to 1-23-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4947 would amend 1971 PA 227, the act that regulates home and telephone solicitations, to update references to the national Do Not Call Registry, to update language to reflect the widespread usage of cell phones, and to remove a statewide do-not-call-list.

Currently under the act, a “do-not-call list” is defined as a list maintained by the Public Service Commission, by a vendor designated by the Commission, or by an agency of the federal government. The bill would remove this definition and instead define “do-not-call list” as the National Do Not Call Registry maintained by the Federal Trade Commission.¹

The bill would replace the term “residential telephone subscriber,” meaning a person residing in Michigan who has residential telephone service, with the term “telephone consumer,” meaning a resident of Michigan who has home or mobile telephone service.

The bill would provide that a telephone solicitor could not make a telephone solicitation to a telephone consumer whose name and home or mobile telephone number or numbers are on the current version of the do-not-call list (meaning the National Do Not Call Registry).

The bill would require, at the beginning of a telephone solicitation, the organization or person on whose behalf the call was initiated to ensure that the individual making the telephone solicitation state his or her name and the full name of the organization or other person on whose behalf the call was initiated. The telephone solicitor would also be required to provide a phone number for the organization or other person upon request, and the organization or other person would have to ensure that a person is available to answer that phone number who can describe the organization or other person and also describe the telephone solicitation.

Finally, the bill would remove language regarding actions and responsibilities that were required of the Public Service Commission in 2002, when those provisions of the act were last amended. These include establishing a state do-not-call list, establishing a do-not-call list fund and designee do-not-call list fund within the state treasury, establishing and collecting fees for administering the do-not-call-list, selecting a vendor to maintain the list, and designating a federal list as the state do-not-call list.

¹ For more information on the National Do Not Call Registry, see <https://www.consumer.ftc.gov/articles/0108-national-do-not-call-registry>

The bill would take effect 90 days after being enacted into law.

MCL 455.111 et seq.

FISCAL IMPACT:

House Bill 4947 would not have a fiscal impact on the Department of Licensing and Regulatory Affairs or on other units of state or local government. The Public Service Commission has not actively managed a do-not-call list, nor has it assessed the fees established for administration of such a list. The Public Service Commission had previously adopted the Federal Trade Commission's Do Not Call Registry, so this bill would not change anything operationally for the department.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.