

UNSOLICITED COMMERCIAL E-MAIL PROTECTION ACT (EXCERPT)
Act 42 of 2003

445.2508 Civil action; recovery; costs and attorney fees.

Sec. 8. (1) A civil action may be brought by a person who received an unsolicited commercial e-mail in violation of this act.

(2) A civil action may be brought by an e-mail service provider through whose facilities the unsolicited commercial e-mail was transmitted in violation of this act.

(3) A civil action may be brought by the attorney general against a person who has violated this act.

(4) In each action brought under this section, a recipient, e-mail service provider, or attorney general may recover 1 of the following:

(a) Actual damages.

(b) In lieu of actual damages, recover the lesser of the following:

(i) \$500.00 per unsolicited commercial e-mail received by the recipient or transmitted through the e-mail service provider.

(ii) \$250,000.00 for each day that the violation occurs.

(5) The prevailing recipient or e-mail service provider shall be awarded actual costs and reasonable attorney fees.

History: 2003, Act 42, Eff. Sept. 1, 2003.