

**IDENTITY THEFT PROTECTION ACT (EXCERPT)**  
**Act 452 of 2004**

**445.72b Misrepresentation by advertisement or solicitation prohibited; violation as misdemeanor; penalty; civil remedy.**

Sec. 12b. (1) A person shall not distribute an advertisement or make any other solicitation that misrepresents to the recipient that a security breach has occurred that may affect the recipient.

(2) A person shall not distribute an advertisement or make any other solicitation that is substantially similar to a notice required under section 12(5) or by federal law, if the form of that notice is prescribed by state or federal law, rule, or regulation.

(3) A person who knowingly or intentionally violates this section is guilty of a misdemeanor punishable as follows:

(a) Except as otherwise provided in subdivisions (b) and (c), by imprisonment for not more than 93 days or a fine of not more than \$1,000.00 for each violation, or both.

(b) For a second violation, by imprisonment for not more than 93 days or a fine of not more than \$2,000.00 for each violation, or both.

(c) For a third or subsequent violation, by imprisonment for not more than 93 days or a fine of not more than \$3,000.00 for each violation, or both.

(4) Subsection (3) does not affect the availability of any civil remedy for a violation of this section or any other state or federal law.

**History:** Add. 2006, Act 566, Eff. July 2, 2007;—Am. 2010, Act 315, Eff. Apr. 1, 2011.