

MICHIGAN CHILDREN'S PROTECTION REGISTRY ACT (EXCERPT)
Act 241 of 2004

752.1068 Civil action; attorney fees; remedies; investigation of business transactions; effective date of section.

Sec. 8. (1) A civil action based on the computer crime established under this act may be brought by an authorized individual or the registrant of the contact point on behalf of a minor who has received a message in violation of this act.

(2) A civil action based on the computer crime established under this act may be brought by a person through whose facilities the message was transmitted in violation of this act.

(3) A civil action based on the computer crime established under this act may be brought by the attorney general against a person who has violated this act.

(4) In each action brought under this section, the prevailing party may be awarded reasonable attorney fees if the action is found by the court to be frivolous.

(5) A person bringing an action under this section may recover 1 of the following:

(a) Actual damages, including reasonable attorney fees.

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

(i) \$5,000.00 per each message received by a recipient or transmitted.

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

(6) If the attorney general has reason to believe that a person has violated this act, the attorney general may investigate the business transactions of that person. The attorney general may require that person to appear, at a reasonable time and place, to give information under oath and to produce such documents and evidence necessary to determine whether the person is in compliance with the requirements of this act.

(7) Any civil penalties collected by the attorney general under this section shall be credited to the attorney general for the costs of investigating, enforcing, and defending this act and section 5a of 1979 PA 53, MCL 752.795a.

(8) This section takes effect July 1, 2005.

History: 2004, Act 241, Eff. July 1, 2005.

Compiler's note: For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.