

HOUSE BILL No. 4432

March 14, 1989, Introduced by Reps. London, Ciaramitaro, Sparks, Honigman, Law, Jonker, Dunaskiss, Camp, Hoffman, Dolan, Ostling, Muxlow, Trim, Stupak, Gnodtke, Gilmer, Sikkema, Hoekman, Bankes, Randall, Krause, Stacey and Miller and referred to the Committee on Consumers.

A bill to prohibit the use of a fax machine to transmit unsolicited advertising messages; to prescribe the duties of certain departments; and to provide for remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Advertisement" means a message or material transmitted
3 over a fax machine intended to cause the sale of realty, goods,
4 or services.

5 (b) "Department" means the department of the attorney
6 general.

7 (c) "Fax machine" means a machine which electronically
8 transmits facsimiles of documents through connection with a tele-
9 phone network.

10 (d) "Person" means an individual, firm, partnership,
11 association, corporation, or any other legal entity.

1 Sec. 2. A person shall not send an unsolicited
2 advertisement to another person by means of a fax machine.

3 Sec. 3. The department shall investigate all complaints of
4 a violation of this act and may seek injunctive relief in the
5 court of proper jurisdiction.

6 Sec. 4. The person receiving the unsolicited advertisement
7 may file a civil suit in the court of proper jurisdiction to
8 recover actual damages, or \$250.00, whichever is greater.

9 Sec. 5. A person who violates this act shall be guilty of a
10 misdemeanor punishable by a fine of not more than \$500.00, or
11 imprisonment of not more than 90 days, or both.