

HOUSE BILL No. 4447

March 15, 1989, Introduced by Reps. Johnson, Hunter, Gire, Gilmer, DeLange, Willis Bullard, Watkins, Stacey, Brown, Gubow and Dolan 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.