

HOUSE BILL No. 4694

April 24, 1989, Introduced by Reps. Law, Honigman, Nye, Bankes, Perry Bullard, Strand, Hertel, Power, Bandstra, Martin and Gubow and referred to the Committee on Judiciary.

A bill to amend Act No. 378 of the Public Acts of 1988, entitled

"An act to preserve personal privacy with respect to the purchase, rental, or borrowing of certain materials; and to provide penalties and remedies for violation of this act,"

being sections 445.1711 to 445.1714 of the Michigan Compiled Laws, by adding section 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 378 of the Public Acts of 1988, being
2 sections 445.1711 to 445.1714 of the Michigan Compiled Laws, is
3 amended by adding section 5 to read as follows:

4 SEC. 5. REGARDLESS OF ANY CRIMINAL PROSECUTION FOR A VIOLA-
5 TION OF THIS ACT, A PERSON WHO VIOLATES THIS ACT SHALL BE LIABLE
6 IN A CIVIL ACTION FOR DAMAGES TO THE CUSTOMER IDENTIFIED IN A
7 RECORD OR OTHER INFORMATION THAT IS DISCLOSED IN VIOLATION OF

1 THIS ACT. THE CUSTOMER MAY BRING A CIVIL ACTION AGAINST THE
2 PERSON AND MAY RECOVER BOTH OF THE FOLLOWING:

3 (A) ACTUAL DAMAGES, INCLUDING DAMAGES FOR EMOTIONAL DIS-
4 TRESS, OR \$10,000.00, WHICHEVER IS GREATER.

5 (B) COSTS AND REASONABLE ATTORNEY FEES.