

SUBSTITUTE FOR  
HOUSE BILL NO. 5387

A bill to amend 1913 PA 206, entitled

"An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates,"

by amending section 25 (MCL 484.125), as added by 1980 PA 47.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 25. (1) As used in this section:

2       (a) "Caller" means an individual, corporation, firm, part-  
3       nership, association, or legal or commercial entity who attempts  
4       to contact or who contacts a subscriber in this state via tele-  
5       phone or by using a telephone line.

6       (B) "CALLER IDENTIFICATION INFORMATION" MEANS THE TELEPHONE  
7       NUMBER FROM WHICH THE CALL ORIGINATES OR THE NAME OF THE

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1 INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL  
2 ENTITY SUBSCRIBING TO THAT TELEPHONE NUMBER.

3 (C) "INTRASTATE" MEANS ORIGINATING AND DELIVERING WITHIN  
4 THIS STATE.

5 (D) ~~-(b)-~~ "Subscriber" means an individual who has sub-  
6 scribed to residential telephone service from a telephone company  
7 regulated by this state, and all other persons with the same  
8 legal residence as the subscribing individual.

9 (2) A caller shall not use a telephone line to contact a  
10 subscriber at the subscriber's residence to ~~deliver~~ DO EITHER  
11 OF THE FOLLOWING:

12 (A) DELIVER a recorded message for the purpose of  
13 ~~delivering~~ PRESENTING commercial advertising to the subscriber,  
14 unless either of the following occurs:

15 (i) ~~-(a)-~~ The subscriber has knowingly and voluntarily  
16 requested, consented, permitted, or authorized the contact from  
17 the caller.

18 (ii) ~~-(b)-~~ The subscriber has knowingly and voluntarily pro-  
19 vided his or her telephone number to the caller.

20 (B) DELIVER OR ATTEMPT TO DELIVER INTRASTATE COMMERCIAL  
21 ADVERTISING IF THE CALLER ACTIVATES A FEATURE OR OTHERWISE TAKES  
22 STEPS TO BLOCK THE DISPLAY OF CALLER IDENTIFICATION INFORMATION  
23 THAT WOULD OTHERWISE BE AVAILABLE TO THE SUBSCRIBER.

24 (3) The authorization to contact a subscriber granted under  
25 subsection ~~-(2)(a)-~~ (2)(A)(i) shall not be transferred, assigned,  
26 or sold without the written permission of the subscriber.

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1       (4) The use of automated dialing, push button, or tone  
2 activated devices which operate sequentially or are otherwise  
3 unable to avoid contacting subscribers who have not authorized  
4 the contact as provided in subsection (2) is prima facie evidence  
5 of an intention to violate this act.

6       (5) A subscriber contacted by a caller in violation of this  
7 section may bring an action to recover damages of ~~not more than~~  
8 ~~\$250.00~~ \$1,000.00, together with reasonable attorneys' fees.

9       (6) An employee or officer of a telephone company shall  
10 report a person whom the employee or officer in good faith  
11 believes may be violating or has violated this act. Alleged vio-  
12 lations of this act shall be reported to the county prosecutor  
13 for the county in which the violation occurred.

14       (7) This section ~~shall~~ DOES not prohibit the use of auto-  
15 matic dialing equipment for the purpose of advising customers  
16 concerning merchandise or goods or services previously ordered.

17       (8) A caller who violated this section is guilty of a misde-  
18 meanor, punishable by a fine of \$1,000.00 ~~—~~ or imprisonment for  
19 10 days, or both.