

SENATE BILL No. 1000

February 10, 2000, Introduced by Senators KOIVISTO, GOSCHKA, YOUNG, DINGELL, NORTH, MILLER, BENNETT, JOHNSON, MURPHY, DE BEAUSSAERT and STEIL and referred to the Committee on Technology and Energy.

A bill to amend 1971 PA 227, entitled
"An act to prescribe the rights and duties of parties to home solicitation sales,"
(MCL 445.111 to 445.117) by adding section 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16. EVERY TELEPHONE SOLICITOR SHALL KEEP ACCURATE
2 RECORDS OF ALL TELEMARKETING ACTIVITIES INITIATED IN THIS STATE
3 OR DIRECTED TO CONSUMERS LOCATED IN THIS STATE. UPON DEMAND, THE
4 RECORDS SHALL BE MADE AVAILABLE TO THE COMMISSION, THE ATTORNEY
5 GENERAL, AND ANY OTHER GOVERNMENTAL ENTITY WITH AUTHORITY TO
6 ENFORCE THIS ACT. THESE RECORDS SHALL BE RETAINED FOR A PERIOD
7 OF 2 YEARS AFTER THE DATE OF ANY OUTBOUND TELEPHONE CALL INITI-
8 ATED FROM, DIRECTED INTO, OR WITHIN THIS STATE. THE RECORDS
9 SHALL INCLUDE BUT ARE NOT LIMITED TO ALL OF THE FOLLOWING
10 INFORMATION:

1 (A) THE LOCATION OF THE TELEPHONE SOLICITOR AND THE STREET
2 ADDRESSES OF ANY LOCATIONS FROM WHICH THE OUTBOUND TELEPHONE
3 CALLS ORIGINATED.

4 (B) COPIES OF ANY INJUNCTION, TEMPORARY RESTRAINING ORDER,
5 JUDGMENT, CONSENT JUDGMENT, OR ASSURANCE OF VOLUNTARY COMPLIANCE
6 IN ANY CIVIL OR ADMINISTRATIVE ACTION, INCLUDING ANY PENDING
7 ACTION, INVOLVING A VIOLATION OR ALLEGED VIOLATION BY THE TELE-
8 PHONE SOLICITOR OR THE SELLER OF ANY STATE OR FEDERAL TELEMARKE-
9 TING LAW.

10 (C) THE NAME, ANY FICTITIOUS NAME USED, LAST KNOWN HOME
11 ADDRESS, TELEPHONE NUMBER, AND JOB TITLE OF ALL TELEPHONE SOLICI-
12 TORS, WHO PLACE OR PLACED CALLS ON BEHALF OF A SELLER OR WHO PAR-
13 TICIPATE IN OR ARE RESPONSIBLE FOR THE MANAGEMENT OF THE BUSINESS
14 OF THE TELEPHONE SOLICITOR. IF THE SELLER OR TELEPHONE SOLICITOR
15 PERMITS FICTITIOUS NAMES TO BE USED BY EMPLOYEES OR AGENTS, EACH
16 FICTITIOUS NAME SHALL BE TRACEABLE TO ONLY 1 SPECIFIC TELEPHONE
17 SOLICITOR, EMPLOYEE, OR AGENT. WHERE 1 OR MORE TELEPHONE SOLICI-
18 TORS IS EMPLOYED BY OR OTHERWISE ACTING ON BEHALF OF A SELLER,
19 THE REPORTING REQUIREMENTS OF THIS ACT MAY BE MET BY THE SELLER
20 ON BEHALF OF ITSELF AND ITS TELEPHONE SOLICITORS, BUT ONLY TO THE
21 EXTENT THE RECORDS COMPLY WITH THE REQUIREMENTS OF THIS ACT.

22 (D) COPIES OF ALL SCRIPTS, OUTLINES, OR PRESENTATION MATERI-
23 ALS THE SELLER REQUIRES A TELEPHONE SOLICITOR TO USE WHEN SOLIC-
24 ITING AND ALL INFORMATION TO BE PROVIDED BY A TELEPHONE SOLICITOR
25 TO A CONSUMER IN CONNECTION WITH ANY TELEMARKETING.

26 (E) ALL WRITTEN CONSENTS TO UTILIZE A NAME OR NAMES OF ANY
27 PERSON IN ANY ENDORSEMENT.

1 (F) MATERIALS THAT SUBSTANTIATE ANY CLAIMS ABOUT THE
2 PERFORMANCE, EFFICACY, NATURE, OR CHARACTERISTICS OF HEALTH,
3 NUTRITION, OR DIET RELATED GOODS OR SERVICES THAT ARE THE SUBJECT
4 OF TELEMARKETING.

5 (G) A COPY OF THE REFUND, CANCELLATION, EXCHANGE, OR REPUR-
6 CHASE POLICIES FOR ANY GOODS OR SERVICES OFFERED BY A SELLER OR
7 TELEPHONE SOLICITOR, UNLESS THE SELLER OR TELEPHONE SOLICITOR
8 OFFERS AND PROVIDES AN UNCONDITIONAL SATISFACTION GUARANTEED
9 POLICY AND PROVIDES A FULL REFUND FOR RETURNED GOODS OR CANCELED
10 SERVICES.

11 (H) COPIES OF ALL EXPRESS VERIFIABLE AUTHORIZATIONS AND
12 SIGNED ORDER CONFIRMATIONS.

13 (I) COPIES OF ANY TRAINING INSTRUCTIONS, HANDBOOKS, OR OTHER
14 GUIDELINES DISTRIBUTED BY TELEPHONE SOLICITORS TO THEIR STAFF OR
15 BY SELLERS TO THEIR TELEPHONE SOLICITORS, EMPLOYEES, OR AGENTS.

16 (J) COPIES OF WRITTEN CONTRACTS AND AGREEMENTS BETWEEN THE
17 TELEPHONE SOLICITOR AND THE SELLER.

18 Enacting section 1. This amendatory act does not take
19 effect unless Senate Bill No. 990

20 of the 90th Legislature is enacted into
21 law.