

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 121 (as introduced 1-27-99)
Sponsor: Senator Glenn D. Steil
Committee: Technology and Energy

Date Completed: 5-16-00

CONTENT

The bill would create a new act to regulate commercial sales solicitations by doing the following:

- **Requiring the Attorney General to maintain a list of people who filed statements that they did not want to receive commercial sales solicitations.**
- **Allowing people to file such statements with the Attorney General for a fee.**
- **Prohibiting a person from making a commercial sales solicitation to someone on the list.**
- **Providing penalties for violations.**

The bill would define "commercial sales solicitation" as a telephonic or mailed attempt to induce a person to purchase or invest in real property or in a consumer good, service, or commodity. The term would not include an outdoor advertisement, an advertisement in a newspaper or other publication, periodical, or circular, or a solicitation made to a person at the person's request.

A person who did not wish to receive commercial sales solicitations would file with the Attorney General a written statement that expressly provided that the person wished to have his or her name placed on a list of those to whom a commercial sales solicitation should not be made. The written statement would have to contain language specified in the bill, including a statement that the person understood that his or her telephone number would appear on the list for one year upon his or her payment of an initial fee of \$10, and that the person could renew the listing each subsequent year by paying a fee of \$5.

The Attorney General would be required to maintain a list of names and addresses of persons who filed these statements and, subject to terms and conditions the Attorney General prescribed, make that list available to anyone upon the person's request. The Attorney General could charge a reasonable fee to a person who sought to review or obtain a copy of the list. The Attorney General would have to update the list at least every 30 days.

A person could have his or her name removed from the list by providing the Attorney General with a written request for the removal.

The bill would prohibit a person from making a commercial sales solicitation to someone in this State whose name and address had been on the list for more than 30 days. A person who violated the proposed act would be subject to a maximum civil fine of \$1,000 per violation. A recipient of a commercial sales solicitation who suffered a loss as a result of a violation could bring a civil action to recover his or her actual damages or \$50, whichever was greater, plus reasonable attorney fees.

The Attorney General could promulgate rules to implement and administer the proposed act.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate impact. Revenue generated from the fee would depend on the number

of individuals who requested to be on the list. Civil fine revenue and enforcement costs would depend on the number of violations. The Department of Attorney General does not have a current estimate for administrative costs.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.