

Act No. 558
Public Acts of 1996
Approved by the Governor
January 15, 1997
Filed with the Secretary of State
January 16, 1997

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Schuette

ENROLLED SENATE BILL No. 982

AN ACT to amend Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding section 2962.

The People of the State of Michigan enact:

Section 1. Act No. 236 of the Public Acts of 1961, as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, is amended by adding section 2962 to read as follows:

Sec. 2962. (1) As used in this section:

(a) "Cable or satellite system equipment" means any cables, converters, decoders, descramblers, devices, instruments, or other equipment owned by a cable or satellite television provider and used in a cable or satellite television system, including devices leased from the cable or satellite television provider by a subscriber for use in receiving cable or satellite television service.

(b) "Cable or satellite television provider" means a person or persons who provide cable or satellite television service over a cable or satellite television system.

(c) "Cable or satellite television service" means the transmission of video programming over a cable or satellite television system.

(d) "Cable or satellite television system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control cable or satellite system equipment that is designed to provide cable or satellite television service.

(e) "Unauthorized connection" means any physical, electrical, mechanical, acoustical, or other connection to a cable or satellite television system, without the specific authority of the cable or satellite television provider. An unauthorized connection does not include any of the following:

(i) An internal connection made by a person within his or her residence for the purpose of receiving authorized cable or satellite television service.

(ii) The physical connection of a cable or other device by a person located within his or her residence which was initially placed there by the cable or satellite television service provider.

(iii) The physical connection of a cable or other device by a person located within his or her residence which the person had reason to believe was an authorized connection.

(f) "Unauthorized device" means any instrument, apparatus, circuit board, equipment, or device designed or adapted for use to fraudulently avoid the lawful charge for any cable or satellite television service.

(g) "Unauthorized receipt of cable or satellite television service" means the interception or receipt by any means of cable or satellite television service over a cable or satellite television system without the specific authorization of the cable or satellite television provider.

(2) A cable or satellite television provider may bring an action to enjoin a person from the unauthorized receipt of cable or satellite television service, using an unauthorized device, making an unauthorized connection, or committing an act that would be in violation of section 540c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.540c of the Michigan Compiled Laws, and may seek 1 or more of the following damages:

(a) Actual damages.

(b) Exemplary damages of not more than \$1,000.00 or, if the person's acts were for direct or indirect commercial advantage or financial gain, exemplary damages of not more than \$50,000.00.

(c) Reasonable attorney fees and costs.

(3) It is not a necessary prerequisite to bring an action under this section that the cable or satellite television provider have suffered actual damages.

(4) An action under this section is in addition to any other penalties or remedies provided by law.

(5) Each act prohibited by this section is a separate cause of action.

This act did not receive immediate effect and will take effect 90 days after final adjournment of the Legislature.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.