

HOUSE BILL No. 4862

June 5, 2001, Introduced by Reps. Thomas, Schauer, Bradstreet, Lipsey, Vander Veen, Garza, Bovin, Ruth Johnson, Jacobs, Kooiman, Stewart, Basham, Woodward, Sheltroun, Kuipers, Schermesser, Pappageorge, Dennis and Lemmons and referred to the Committee on Energy and Technology.

A bill to amend 1992 PA 298, entitled "Public safety solicitation act," by amending section 2 (MCL 14.302) and by adding sections 13a and 13b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "ADAD" OR "AUTOMATIC DIALING AND ANNOUNCING DEVICE"
3 MEANS ANY DEVICE OR SYSTEM OF DEVICES THAT IS USED, WHETHER ALONE
4 OR IN CONJUNCTION WITH OTHER EQUIPMENT, FOR THE PURPOSE OF AUTO-
5 MATICALLY SELECTING OR DIALING TELEPHONE NUMBERS.

6 (B) "COMMISSION" MEANS THE PUBLIC SERVICE COMMISSION.

7 (C) ~~-(a)-~~ "Contribution" means the promise, grant, or pay-
8 ment of money or property of any kind or value, including
9 promises to pay made to an organization or professional
10 fund-raiser. Contribution does not include money or property

1 received from a governmental entity or a foundation restricted as
2 to use. Contribution does not include funds collected by an
3 organization exclusively from the members of the organization or
4 payments clearly stated as not being and are not deductible as a
5 charitable contribution for federal income tax purposes by mem-
6 bers of an organization for bona fide membership fees, dues,
7 fines, assessments, or for services rendered to individual mem-
8 bers, if membership in the organization confers a right, or other
9 direct benefit, other than only membership status.

10 (D) "DO-NOT-CALL LIST" MEANS A DO-NOT-CALL LIST OF INDIVIDU-
11 ALS MAINTAINED OR DESIGNATED BY THE COMMISSION UNDER SECTION 13A.

12 (E) ~~(b)~~ "Person" means an individual, organization, group,
13 association, partnership, corporation, LIMITED LIABILITY COMPANY,
14 trust, professional fund-raiser, or any combination of those
15 entities.

16 (F) ~~(c)~~ "Professional fund-raiser" means a person who for
17 compensation or other consideration plans, conducts, manages, or
18 carries on, either directly or through paid individual solici-
19 tors, a drive or campaign of soliciting contributions for or on
20 behalf of a public safety organization or person. An officer or
21 employee of a public safety organization is not a professional
22 fund-raiser unless his or her compensation or salary is based in
23 whole or in part on the amount of funds raised through
24 solicitations.

25 (G) ~~(d)~~ Except for an organization that was created for
26 the purpose of electing a candidate to public office and has
27 complied with the requirements of the Michigan campaign finance

1 act, ~~Act No. 388 of the Public Acts of 1976, being~~
2 ~~sections 169.201 to 169.282 of the Michigan Compiled Laws 1976~~
3 PA 388, MCL 169.201 TO 169.282, "public safety organization" or
4 "organization" means ~~any~~ A group, organization, association,
5 union, or conference of current or former law enforcement offi-
6 cers, fire fighters, correctional officers, ~~employees thereof~~
7 THE EMPLOYEES OF THE GROUP, ORGANIZATION, ASSOCIATION, UNION, OR
8 CONFERENCE, or any other entity that represents itself to be
9 affiliated or associated with ~~such organizations~~ THE GROUP,
10 ORGANIZATION, ASSOCIATION, UNION, OR CONFERENCE, that ~~meet~~
11 MEETS both of the following:

12 (i) The voting membership is comprised of at least 75% of
13 individuals who are currently or formerly law enforcement offi-
14 cers, fire fighters, or correctional officers.

15 (ii) The voting membership consists of at least 25% of all
16 of the individuals the organization claims to represent.

17 (H) "TELEPHONE SOLICITOR" MEANS A PROFESSIONAL FUND-RAISER
18 WHO MAKES OR CAUSES TO BE MADE A TELEPHONE SOLICITATION FROM
19 WITHIN OR OUTSIDE OF THIS STATE, INCLUDING, BUT NOT LIMITED TO,
20 CALLS MADE BY USE OF AUTOMATED DIALING AND ANNOUNCING DEVICES OR
21 BY A LIVE PERSON.

22 (I) "TELEPHONE SOLICITATION" MEANS ANY VOICE COMMUNICATION
23 OVER A TELEPHONE TO AN INDIVIDUAL FOR THE PURPOSE OF SOLICITING A
24 CHARITABLE CONTRIBUTION. TELEPHONE SOLICITATION DOES NOT INCLUDE
25 A VOICE COMMUNICATION TO AN INDIVIDUAL WITH THAT INDIVIDUAL'S
26 PRIOR EXPRESS INVITATION OR PERMISSION.

1 SEC. 13A. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF
2 THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL
3 DO 1 OF THE FOLLOWING:

4 (A) ESTABLISH A STATE DO-NOT-CALL LIST. IF THE COMMISSION
5 ESTABLISHES A STATE DO-NOT-CALL LIST, IT SHALL PUBLISH THAT LIST
6 QUARTERLY FOR USE BY TELEPHONE SOLICITORS. THE COMMISSION MAY AT
7 ANY TIME CEASE TO MAINTAIN A LIST UNDER THIS SUBDIVISION AND MAKE
8 A DESIGNATION UNDER SUBDIVISION (B).

9 (B) INVESTIGATE ANY NATIONAL DO-NOT-CALL LISTS THEN IN EXIS-
10 TENCE AND AFTER CONSIDERATION OF EACH LIST'S ACCESSIBILITY TO
11 TELEPHONE SOLICITORS AND EASE AND COST OF REGISTRATION FOR INDI-
12 VIDUALS SEEKING INCLUSION, DESIGNATE A LIST AS THE AUTHORIZED
13 DO-NOT-CALL LIST. THE COMMISSION MAY REVIEW AND MAKE A DIFFERENT
14 DESIGNATION UNDER THIS SUBDIVISION AT ANY TIME IF THE COMMISSION
15 DETERMINES THAT AN ALTERNATIVE DO-NOT-CALL LIST PROVIDES SUPERIOR
16 ACCESSIBILITY TO TELEPHONE SOLICITORS AND EASE AND COST OF REGIS-
17 TRATION FOR INDIVIDUALS SEEKING INCLUSION OR IF THE ORGANIZATION
18 MAINTAINING A PREVIOUSLY DESIGNATED DO-NOT-CALL LIST ENGAGES IN
19 ACTIVITIES THE COMMISSION CONSIDERS CONTRARY TO THE PUBLIC
20 INTEREST. THE COMMISSION MAY AT ANY TIME DISCONTINUE A DESIGNA-
21 TION UNDER THIS SUBDIVISION AND ESTABLISH AND MAINTAIN A LIST
22 UNDER SUBDIVISION (A).

23 (2) IN DETERMINING WHETHER TO ESTABLISH OR DESIGNATE A
24 DO-NOT-CALL LIST UNDER SUBSECTION (1), OR IN DESIGNATING A
25 DO-NOT-CALL LIST UNDER SUBSECTION (1)(B), THE COMMISSION SHALL
26 CONSIDER COMMENTS FROM INDIVIDUALS, TELEPHONE SOLICITORS, OR ANY
27 OTHER PERSON.

1 (3) BEGINNING 90 DAYS AFTER THE COMMISSION ESTABLISHES OR
2 DESIGNATES A DO-NOT-CALL LIST UNDER SUBSECTION (1), A TELEPHONE
3 SOLICITOR SHALL NOT MAKE A TELEPHONE SOLICITATION TO AN INDIVID-
4 UAL WHOSE NAME IS ON THE THEN-CURRENT VERSION OF THE DO-NOT-CALL
5 LIST.

6 (4) A TELEPHONE SOLICITOR SHALL NOT USE A DO-NOT-CALL LIST
7 FOR ANY PURPOSE OTHER THAN MEETING THE REQUIREMENTS OF
8 SUBSECTION (3).

9 (5) IF THE COMMISSION ESTABLISHES AND MAINTAINS THE
10 DO-NOT-CALL LIST UNDER SUBSECTION (1), THE COMMISSION SHALL NOT
11 SELL OR TRANSFER THE DO-NOT-CALL LIST TO ANY PERSON FOR ANY PUR-
12 POSE UNRELATED TO THIS SECTION.

13 SEC. 13B. (1) AT THE BEGINNING OF A TELEPHONE SOLICITATION,
14 A TELEPHONE SOLICITOR MAKING A TELEPHONE SOLICITATION TO AN INDI-
15 VIDUAL SHALL STATE HIS OR HER NAME AND THE FULL NAME OF THE
16 ORGANIZATION OR OTHER PERSON ON WHOSE BEHALF THE CALL WAS INITI-
17 ATED AND PROVIDE A TELEPHONE NUMBER OF THE ORGANIZATION OR OTHER
18 PERSON ON REQUEST. A NATURAL PERSON MUST BE AVAILABLE TO ANSWER
19 THE TELEPHONE NUMBER AT ANY TIME WHEN TELEPHONE SOLICITATIONS ARE
20 BEING MADE.

21 (2) THE PERSON ANSWERING THE TELEPHONE NUMBER REQUIRED UNDER
22 SUBSECTION (1) SHALL PROVIDE AN INDIVIDUAL CALLING THE TELEPHONE
23 NUMBER WITH INFORMATION DESCRIBING THE ORGANIZATION OR OTHER
24 PERSON ON WHOSE BEHALF THE TELEPHONE SOLICITATION WAS MADE TO THE
25 INDIVIDUAL AND DESCRIBING THE TELEPHONE SOLICITATION.

26 (3) A TELEPHONE SOLICITOR SHALL NOT INTENTIONALLY BLOCK OR
27 OTHERWISE INTERFERE WITH THE CALLER ID FUNCTION ON THE TELEPHONE

1 OF AN INDIVIDUAL TO WHOM A TELEPHONE SOLICITATION IS MADE SO THAT
2 THE TELEPHONE NUMBER OF THE CALLER IS NOT DISPLAYED ON THE TELE-
3 PHONE OF THE INDIVIDUAL.

4 (4) A TELEPHONE SOLICITOR SHALL NOT MAKE A TELEPHONE SOLICI-
5 TATION THAT CONSISTS IN WHOLE OR IN PART OF A RECORDED MESSAGE.