

SENATE BILL No. 984

May 8, 2018, Introduced by Senators HILDENBRAND, MACGREGOR, KOWALL and SCHMIDT and referred to the Committee on Commerce.

A bill to amend 2016 PA 92, entitled

"An act to amend 1988 PA 378, entitled "An act to preserve personal privacy with respect to the purchase, rental, or borrowing of certain materials; and to provide penalties and remedies for violation of this act," by amending sections 1, 2, 3, 4, and 5 (MCL 445.1711, 445.1712, 445.1713, 445.1714, and 445.1715), section 5 as added by 1989 PA 206,"

by amending enacting section 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Enacting section 2. ~~This amendatory act is curative and~~
2 ~~intended to clarify that the prohibitions on disclosing information~~
3 ~~contained in 1988 PA 378, MCL 445.1711 to 445.1715, do not prohibit~~
4 ~~disclosing information if it is incident to the ordinary course of~~
5 ~~business of the person disclosing the information, including~~
6 ~~marketing goods and services to customers or potential customers~~
7 ~~when written notice is provided, and that a civil action for a~~

1 ~~violation of these prohibitions may only be brought by a customer~~
2 ~~who has suffered actual damages as a result of the violation.~~ THIS
3 RETROACTIVE, CURATIVE, AND CLARIFYING AMENDATORY ACT IS INTENDED TO
4 EXPRESS THE ORIGINAL INTENT OF THE LEGISLATURE IN ENACTING 1988 PA
5 378, MCL 445.1711 TO 445.1715, IN RESPONSE TO RECENT OPINIONS OF
6 THE FEDERAL COURTS. 1988 PA 378 WAS NOT INTENDED TO AND DID NOT
7 CONFER A SUBSTANTIVE RIGHT TO MONETARY RECOVERY ABSENT PROOF OF
8 ACTUAL DAMAGES. THIS AMENDATORY ACT SHALL APPLY RETROACTIVELY AS IF
9 ENACTED AS PART OF THE ORIGINAL STATUTE.