

HOUSE BILL No. 5601

May 4, 1988, Introduced by Reps. Law, Honigman and Willis Bullard and referred to the Committee on Judiciary.

A bill to preserve personal privacy with respect to the purchase, rental, or borrowing of goods or materials; and to provide penalties and remedies for violation of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Customer" means a person who purchases, rents, or bor-
3 rows any goods or materials.

4 (b) "Employee" means a person who works for an employer in
5 exchange for wages or other remuneration.

6 (c) "Employer" means a person who has 1 or more employees.

7 Sec. 2. Except as provided in section 3 or as otherwise
8 required by law, a person, or an employee or agent of the person,
9 engaged in the business of selling at retail, renting, or lending
10 any goods or materials, including, but not limited to, books or
11 other written materials, sound recordings, video recordings, or

1 consumer goods shall not disclose to any person, other than the
2 customer, a record or other information concerning the purchase,
3 lease, rental, or borrowing of goods or materials by a customer
4 that indicates the identity of the customer.

5 Sec. 3. A record or other information described in section
6 2 may be disclosed only in 1 or more of the following
7 circumstances:

8 (a) With the written permission of the customer.

9 (b) Pursuant to a court order.

10 (c) To the extent reasonably necessary to collect payment
11 for the goods or materials or the rental of the goods or materi-
12 als, if the customer has received written notice that the payment
13 is due and has failed to pay or arrange for payment within a rea-
14 sonable time after receipt of the notice.

15 Sec. 4. A person who violates this act is guilty of a
16 misdemeanor.

17 Sec. 5. Regardless of any criminal action for a violation
18 of this act, a person who violates this act shall be liable in a
19 civil action for damages to the customer identified in a record
20 or other information that is disclosed in violation of this act.
21 The customer may bring a civil action against the person and may
22 recover both of the following:

23 (a) Actual damages, including damages for emotional dis-
24 tress, or \$10,000.00, whichever is greater.

25 (b) Costs and reasonable attorney fees.