

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA**

BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 4042 (Substitute S-6 as amended on Third Reading)

Sponsor: Representative Jennifer Faunce  
House Committee: Energy and Technology  
Senate Committee: Technology and Energy

## **CONTENT**

The bill would amend Public Act 227 of 1971, which prescribes the rights and duties of parties to home solicitation sales, to require the Public Service Commission (PSC) to establish and maintain a do-not-call list; and prohibit a telephone solicitor from making a telephone solicitation to a residential telephone subscriber on the do-not-call list.

A "telephone solicitor" would be a person who, for financial profit or in connection with the sale of goods and services, made or caused to be made a telephone solicitation to a residential telephone subscriber in Michigan; the term would include a person who directly controlled or supervised the conduct of a telephone solicitor. "Telephone solicitation" would mean a telephone call made to induce a residential subscriber to pay money or give other consideration for goods or services, unless the call was made with the subscriber's express invitation or permission. A telephone solicitation would not include a telephone call by a health professional to a patient; a real estate broker or salesperson licensed in Michigan; or an insurance agent licensed in Michigan.

Within 90 days after the bill's effective date, the PSC would have to establish and maintain a do-not-call list of residential telephone subscribers who did not wish to receive telephone solicitations. The PSC could contract with a private vendor to act as the PSC's list manager.

A residential telephone subscriber could enroll on the list as prescribed by the PSC and indicate that he or she did not wish to receive telephone solicitations to the telephone numbers he or she included in the list. The PSC would have to charge subscribers an enrollment or renewal fee, which could not exceed \$10, to enroll or remain on the list for three years.

The PSC would have to publish the list quarterly in printed form and electronic format. The PSC would have to charge each telephone solicitor a fee for the published list, in an amount established by the Commission.

Beginning 30 days after the PSC first published a quarterly do-not-call list, a telephone solicitor would be prohibited from making a telephone solicitation to a residential telephone subscriber whose name was on the list. A telephone solicitor could not use a do-not-call list for any other purpose.

MCL 445.111 et al.

Legislative Analyst: G. Towne

## **FISCAL IMPACT**

Requiring the Commission to establish a do-not-call list would result in additional costs for creating and maintaining it. The Commission would have to charge solicitors a fee to receive the list of subscribers, and charge subscribers a fee of up to \$10 to be put on the list for three years. The fees would be used to offset the cost of maintaining the list.

Date Completed: 12-12-01

Fiscal Analyst: M. Tyszkiewicz

[floor\hb4042](#)

Analysis available @ <http://www.michiganlegislature.org>

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.