TELEPHONE COMPANIES AS COMMON CARRIERS
Act 206 of 1913

AN ACT to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates.

History: 1913, Act 206, Eff. Aug. 14, 1913;—Am. 1980, Act 47, Imd. Eff. Mar. 19, 1980;—Am. 1986, Act 305, Imd. Eff. Dec. 23, 1986.

The People of the State of Michigan enact:

484.101-484.103f Repealed. 1991, Act 179, Eff. Jan. 1, 1992.

Compiler's note: The repealed sections pertained to the duties, powers, and responsibilities of the PSC in regulating telephone service in competitive markets, basic local exchange service, resale of services, franchise cable companies, and alternative operator service.

484.103g Repealed. 1995, Act 216, Imd. Eff. Nov. 30, 1995.

Compiler's note: The repealed section pertained to alternative operator service providers.

484.104-484.114 Repealed. 1991, Act 179, Eff. Jan. 1, 1992.

Compiler's note: The repealed sections pertained to the prohibiting of discriminatory and preferential service; the regulation of connecting, sale or leasing, constructing, and setting rates for lines; and providing complaint and hearing procedures.

484.115-484.118 Repealed. 1987, Act 5, Eff. Apr. 1, 1987.

Compiler's note: The repealed sections pertained to judicial review of orders.

484.119-484.124 Repealed. 1991, Act 179, Eff. Jan. 1, 1992.

Compiler's note: The repealed sections pertained to reporting, recordkeeping, and public inspection of records and prescribed penalties for violation of the act.

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484.125 Delivering commercial advertising by recorded message; transfer, assignment, or sale of authorization to contact subscriber; evidence of intention to violate act; action for damages; reporting violations; use of automatic dialing equipment; termination of call; violation as misdemeanor; penalty.

Sec. 25. (1) As used in this section:

(a) “Caller” means an individual, corporation, firm, partnership, association, or legal or commercial entity who attempts to contact or who contacts a subscriber in this state via telephone or by using a telephone line.

(b) “Caller identification information” means the telephone number from which the call originates or the name of the individual, corporation, partnership, association, or other legal entity subscribing to that telephone number.

(c) “Intrastate” means originating and delivering within this state.

(d) “Subscriber” means an individual who has subscribed to residential, business, or toll-free telephone service from a telephone company regulated by this state, and all other persons with the same legal residence as the subscribing individual.

(2) A caller shall not use a telephone line to contact a subscriber at the subscriber's residence, business, or toll-free telephone number to do either of the following:

(a) Deliver a recorded message for the purpose of presenting commercial advertising to the subscriber, unless either of the following occurs:

(*i*) The subscriber has knowingly and voluntarily requested, consented, permitted, or authorized the contact from the caller.

(*ii*) The subscriber has knowingly and voluntarily provided his or her telephone number to the caller.

(b) Deliver or attempt to deliver intrastate commercial advertising if the caller activates a feature to block the display of caller identification information that would otherwise be available to the subscriber.

(3) The authorization to contact a subscriber granted under subsection (2)(a)(*i*) shall not be transferred, assigned, or sold without the written permission of the subscriber.

(4) The use of automated dialing, push button, or tone activated devices which operate sequentially or are

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otherwise unable to avoid contacting subscribers who have not authorized the contact as provided in subsection (2) is prima facie evidence of an intention to violate this act.

(5) A subscriber contacted by a caller in violation of this section may bring an action to recover damages of $1,000.00, together with reasonable attorneys' fees.

(6) An employee or officer of a telephone company shall report a person whom the employee or officer in good faith believes may be violating or has violated this act. Alleged violations of this act shall be reported to the county prosecutor for the county in which the violation occurred.

(7) This section does not prohibit the use of automatic dialing equipment for the purpose of advising customers concerning merchandise or goods or services previously ordered.

(8) Recorded commercial advertising that is authorized under this section must end or otherwise free the subscriber's telephone line for incoming and outgoing calls immediately upon the subscriber's termination of the call.

(9) A caller who violated this section is guilty of a misdemeanor, punishable by a fine of $1,000.00 or imprisonment for 10 days, or both.

History: Add. 1980, Act 47, Imd. Eff. Mar. 19, 1980;—Am. 1998, Act 234, Eff. Mar. 23, 1999;—Am. 1998, Act 253, Eff. Mar. 23, 1999.

484.126 Repealed. 1991, Act 179, Eff. Jan. 1, 1992.

Compiler's note: The repealed section pertained to repeal of MCL 484.101 to 484.103b and MCL 484.103d to 484.126.

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