TCPAWorld readers, we all know about the Mini TCPA in Florida and the Oklahoma copycat bill of course.

Well, now we have yet another state to keep our eye on and its Michigan.

The State of Michigan is now looking to pass its own mini-TCPA, entitled Michigan’s “Telephone Solicitation Act.”

Let’s get to the important stuff.
This bill authorizes up to $25,000 in the event of a violation.

Importantly, an ATDS is referred to under the bill as an “ADAD” or “automatic dialing and announcing device” which means any device or system of devices that is used, whether alone or in conjunction with other equipment, for the purpose of automatically selecting or dialing telephone numbers.

This definition is something we need to be cautious of as devices working “in conjunction with other equipment” will be treated as an ADAD.

Per Section 9 (1), if you are using an “ADAD” you shall not do any of the following:

1. Use an ADAD for a telephone solicitation that otherwise violates this act.

2. Use an ADAD for a telephone solicitation unless the list of numbers from which the ADAD selects telephone numbers excludes both of the following:

   (i) Vulnerable telephone numbers.

   (ii) Telephone numbers of subscribers who are on the most current version of the do-not-call list.

Any person who “knowingly uses, or has knowingly used, a method, act, or practice that targets “vulnerable individuals” is in violation of this act when using an ADAD:

“Sec. 27. (1) A person that knowingly uses, or has knowingly used, a method, act, or practice that targets vulnerable individuals and is in violation of this act is liable to this state for a civil fine of not more than $50,000.00 for each violation, or $75,000.00 for each persistent and knowing violation. For purposes of this subsection, each telephone communication may be considered a separate violation and a singular telephone communication may generate multiple separate violations.”

The Michigan bill adds a new twist and a new protection to a certain class of folks with this restriction. It defines a “vulnerable individual” as a person who is 75+ years in age or “possesses a disability as that term is defined in section 103 of the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1103.” I suspect Queenie will be “DIG”ing deeper into this.

Like the Oklahoma and Florida TSA, the Michigan TSA provides for a variety of exemptions. Subsection 9(1) shall not apply if any of the following apply:

1. The telephone solicitation is made to a subscriber with that subscriber’s express verifiable authorization.

2. The telephone solicitation is made to an existing customer of the person on whose behalf the telephone communication is made, unless the existing customer is a consumer who has requested to not receive telephone communications from or on behalf of that person under section 17(f).

3. The telephone solicitation is made by a representative of an entity utilizing an emergency telephone number.
4. The telephone solicitation is made by a representative of a school or educational facility if the subscriber is an employee, student, or student’s guardian or family member of the school or educational facility.

5. The telephone solicitation is made consistent with and not in violation of any federal or state law relating to debt collection.

Other key provisions in the bill include:

- A telephone solicitor shall keep, for not more than 4 years, records relating to telephone solicitations;

- A person shall not make a telephone solicitation using a recorded message in whole or in part;

- At the beginning of a telephone solicitation, the organization or other person on whose behalf the call was initiated shall state the telephone solicitor’s true first and last name and the full name, address, and telephone number of the organization or other person on whose behalf the call was initiated; and

- A telephone solicitation cannot be made outside the hours of 9:00 a.m. and 8:00 p.m. local time, without the express verifiable authorization of the subscriber.

You can read the full bill here: [Michigan Bill](https://www.natlawreview.com/article/michigan-mini-tcpa-proposed-house-bill-no-6307). We’ll be sure to keep our eye out on this and provide updates.

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