

# MICHIGAN TELEMARKETING LAWS

## Consumer Alert

## Michigan Telemarketing Laws / Do Not Call List

### Telemarketing Laws Protecting Michigan Consumers—Do Not Call List

Marketing goods or services to potential customers over the telephone is called telemarketing. When you pick up the phone and hear a recorded message instead of a live person, that's a robocall. Increasingly, telemarketing is being done with intrusive robocalls.

This alert provides an overview of Michigan and federal laws aimed at preventing and punishing unwanted telemarketing calls and illegal scams.

### Do Not Call List

The Michigan Legislature adopted the federal Do Not Call Registry as the state do not call list for Michigan consumers who do not want to receive telemarketing calls at home or on their cell phones. Registering your telephone number is **FREE**, and there are two easy ways to sign up:

1. You can [go online to register your phone number](#). The system will send you a confirmation email. To complete your registration, click on the link in the email within 72 hours after you get it; or
2. You can call 888-382-1222 from the phone number you want on the list.

The Do Not Call list will keep you off for-profit business call lists, because telemarketers are required to check their solicitation lists and remove all registered numbers. But it is not immediate and it will not block all robocalls. Telemarketers update their lists periodically, which according to the Federal Trade Commission (FTC), means it can take up to 31 days before putting your number on the list takes full effect. Even then, political organizations, charities, and survey takers are legally permitted to call you.

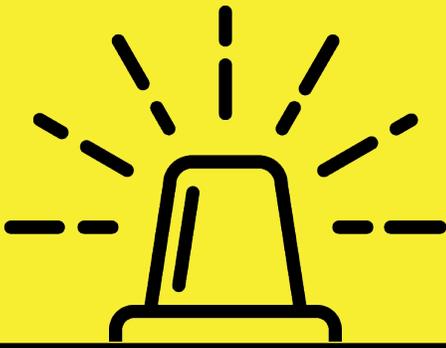
Other calls that may come through include those from:

- businesses from whom you've bought something or made a payment to in the last 18 months, unless you have asked them not to call you;
- survey callers to whom you have given permission to make a follow-up call\*;
- companies whose fine print you missed that granted them permission to call (by example, when you entered a sweepstakes or signed up for a free product offer); and
- companies trying to scam you who don't care about following the law and who won't bother to screen for numbers on the Do Not Call Registry.

(\*Survey callers may sometimes ask if they can make a follow-up call. Beware. If you agree, then a for-profit company associated with the survey company can call you with a sales pitch.)

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Attorney General





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## Consumer Alert

Your phone number will stay on the Do Not Call Registry forever, unless you ask for it to be removed. If you ever get a call from someone offering to sign you up for the registry, it is a scam! The service is completely free and the FTC will not call you to solicit your registration.

Additionally, telemarketers:

- must remove you from their calling lists upon request;
- must provide you with the name and contact information of the company they represent;
- may not call you between the hours of 9:00 p.m. and 8:00 a.m.; and
- may not present fraudulent or misleading information about the products or services they are selling.

Fax numbers are subject to different regulations, so signing them up on this list will not do anything to thwart junk faxes. [See the Attorney General Consumer Alert "Do Not Fax Me!"](#) for how to stop unwanted faxes.

Finally, the Federal Trade Commission's Telemarketing Sales Rule makes it illegal for a telemarketer to ask you to pay with any of the following three payment methods:

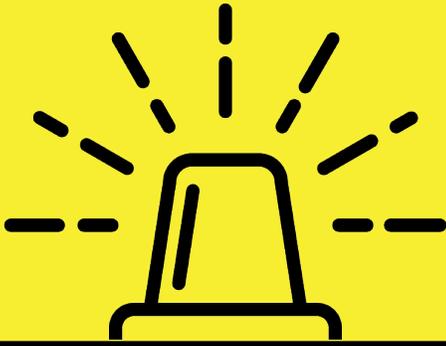
1. Cash-to-cash money transfers like those from MoneyGram and Western Union;
2. PINs from cash reload cards like MoneyPak and Vanilla Reload; or
3. Remotely created payment orders or checks using your bank account information.

If a telemarketer asks you to use any of these payment methods, then the telemarketer is breaking the law. Hang up, and [report it to the FTC](#).

## Michigan Home Solicitation Sales Act

In addition to adopting the federal Do Not Call Registry as the state do not call list for Michigan consumers, the Michigan Home Solicitation Sales Act (MHSSA), establishes a "code of conduct" for telemarketers. Telephone solicitors may not:

- Misrepresent or fail to clearly disclose:
  - » the total purchase price of the product being sold;
  - » any restrictions or conditions on purchase;
  - » any material term or condition regarding refund, cancellation, or exchange;
  - » any material aspect of an investment opportunity being offered;
  - » the quantity or any material aspect of the quantity, or characteristics of the product being sold;
- Make false or misleading statement to induce payment for goods or services;
- Request payment or submit a credit card charge before receiving express verifiable authorization showing that the consumer has agreed to purchase;
- Call a consumer who has requested that he or she not receive calls from the seller;
- Intentionally block or interfere with the caller ID function on a consumer's phone;
- Make a call that consists in whole or in part of a recorded message; and
- Make a telephone solicitation to a telephone subscriber whose number is on the Do Not Call List.



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### Other Requirements

At the beginning of a telemarketing call, the telemarketer must state his or her name and the full name of the business on whose behalf the call is made. A telephone number for the business must be provided on request, and a live person must be available to answer that telephone number and give information describing the business itself and the offer being pitched.

### Michigan Telemarketing Curfew

Michigan's Penal Code makes it a misdemeanor for any telemarketer to make "an unsolicited commercial telephone call" by person or recording device between the hours of 9 p.m. and 9 a.m. [MCL 750.540e\(f\)](#).

### Remedy and Penalties

Persons who suffer loss as a result of a violation of the law may bring a private lawsuit to recover actual damages or \$250.00, whichever is greater, and reasonable attorney fees.

Violators are also subject to penalties provided by the Michigan Consumer Protection Act, as a violation of the Home Solicitation Sales Act also constitutes a violation of the Consumer Protection Act. The Attorney General, a county prosecutor, or individual consumer may bring a lawsuit under the Consumer Protection Act.

Additionally, certain violations are punishable as a misdemeanor, or by imprisonment for not more than six months or a fine of not more than \$500.00, or both. This penalty applies to commission of acts that are defined as being unfair or deceptive by the act, such as certain misrepresentations by telephone solicitors. It does not apply to violations of the Do Not Call Registry.

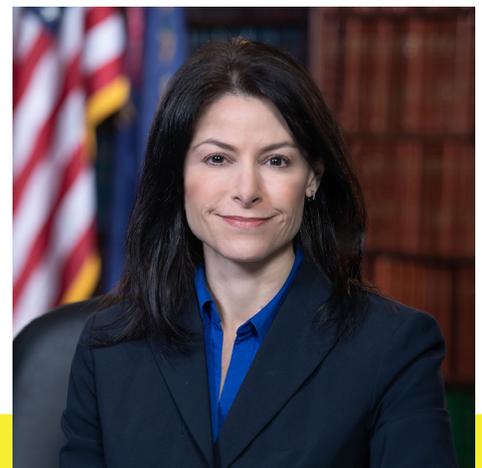
Finally, the FTC may impose a fine upon those who violate the National Do Not Call Registry or place an illegal robocall up to \$16,000 per call.

[Complaints for violations of the no-call law may be filed with the Federal Trade Commission](#), the [Federal Communications Commission](#), and with the Attorney General's Consumer Protection Division.

For general consumer questions or to [file a complaint](#), you may reach the Attorney General's Consumer Protection Division at:

Consumer Protection Division  
P.O. Box 30213  
Lansing, MI 48909  
517-335-7599

Fax: 517-241-3771  
Toll free: 877-765-8388  
[Online complaint form](#)



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*Consumer Alerts are not legal advice, legal authority, or a binding legal opinion from the Department of Attorney General.*