

House Bill 2570

Sponsored by Representative BUCKLEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits use of person's facsimile machine without person's actual or implied consent if use causes person expense related to use or loss of use of facsimile machine, except under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the use of facsimile machines; creating new provisions; amending ORS 646.872; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 646.872 is amended to read:

6 646.872. [(1) *If a person receives on a facsimile machine any unsolicited and unwanted advertising*
7 *material for the sale of any realty, goods or services, the person may give the sender of such material*
8 *written notice to discontinue further such transmissions. No person who has received such a discon-*
9 *tinuance notice shall use a facsimile machine to transmit unsolicited advertising material for the sale*
10 *of realty, goods or services to the person who gave the discontinuance notice for a period of one cal-*
11 *endar year from the date the notice was given.*]

12 [(2) *As used in this section, "facsimile machine" means a machine that electronically transmits or*
13 *receives facsimiles of documents through connection with a telephone network.*]

14 (1) **As used in this section:**

15 (a) **"Consumable item" means electricity, ink, toner or other material used to cause an**
16 **image or text to appear in a medium capable of visual or tactile perception and paper or**
17 **another medium of whatever composition or property on which images or text may be made**
18 **perceptible.**

19 (b) **"Facsimile machine" means a device that electronically transmits or receives fac-**
20 **similes of documents through connection with a telephone or computer network.**

21 (c) **"Use" means an action, including a transmission to a facsimile machine, that causes**
22 **a facsimile machine to perform the machine's intended function.**

23 (2) **A person may not intentionally make use of another person's facsimile machine**
24 **without the other person's actual or implied consent if the use causes the other person to:**

25 (a) **Incur any expense for consumable items for the other person's facsimile machine;**

26 (b) **Lose the use of the other person's facsimile machine for the other person's own**
27 **purposes for any period of time; or**

28 (c) **Lose storage space in the memory of the other person's facsimile machine for any**
29 **period of time.**

30 (3) **For purposes of this section, a person gives actual or implied consent to another**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **person for the use of the person's facsimile machine if the person:**

2 **(a) Provides express authorization to the other person for the use;**

3 **(b) Owns, leases, has a right of possession or otherwise controls the facsimile machine**
4 **jointly with the other person under an agreement that gives the other person permission for**
5 **the use;**

6 **(c) Permits or acquiesces to the use in connection with the other person's duties as the**
7 **person's employee, contractor, agent or associate; or**

8 **(d) Fails to object to the use if the person has actual prior knowledge of the other per-**
9 **son's intent and sufficient time in which to object.**

10 **SECTION 2. Section 1 of this 2007 Act applies to any use made of a facsimile machine**
11 **on or after the effective date of this 2007 Act.**

12 **SECTION 3. This 2007 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
14 **on its passage.**

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