

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Without Recommendation as to Passage, but with Amendments and Be Printed Engrossed and Be Referred to the Committee on Rules

**Vote:** 8 - 0 - 0

**Yeas:** Cameron, Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant

**Nays:** 0

**Exc.:** 0

**Prepared By:** Jan Nordlund, Administrator

**Meeting Dates:** 4/5, 4/14, 4/20

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**WHAT THE MEASURE DOES:** Prohibits sending unsolicited facsimile to a person. Defines “persons” to include, among others, individuals, corporations, and public bodies. Gives Attorney General authority to bring action against violator, punishable by not more than \$500 per violation. Makes sending unsolicited facsimile an unlawful trade practice.

**ISSUES DISCUSSED:**

- Whether private businesses may be included
- Right of free speech
- Whether citizens may send faxes to legislators and state agencies
- Whether only faxes that advertise goods and services should be prohibited
- Intent to stop distribution of unwanted faxes, regardless of content

**EFFECT OF COMMITTEE AMENDMENT:** Prohibit sending unsolicited facsimile to all persons, not only public bodies. Defines “persons” to include, among others, individuals, corporations, and public bodies.

**BACKGROUND:** The Telephone Consumer Protection Act, passed by Congress in 1991, makes it a federal violation to send an unsolicited advertisement to a telephone facsimile machine. The Act gives private citizens the right to sue, with the ability to recover actual monetary damages or \$500, whichever is greater. If the court finds that the sender willfully or knowingly violated the Act, the court can triple the damages.