

May 10, 2006

**S 1295. JUNK FAXES.** Filed 5/10/06. *TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES.* Adds new Article 5 to GS Chapter 75 (monopolies, trusts, and consumer protection), addressing unsolicited facsimiles. Prohibits any person or entity to use a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine if either the sender or the recipient is in North Carolina. Does not apply when an established business relationship between the sender and recipient exists, but in that case requires clear notice and a toll-free number for sending a “do not send” request, with which it is unlawful for the sender not to comply. Specifies identifying information that must be included in all facsimile communications and conditions for exemptions to apply to professional or trade associations that are tax-exempt nonprofit organizations. Authorizes the recipient of an unsolicited advertisement that violates the act to bring an action to enjoin further violations and an action to recover \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for any subsequent violation within two years of the first. Authorizes court to award reasonable attorneys’ fees to a prevailing party in specified circumstances. Provides that actions will be tried in the county where the plaintiff resides at the time the action is commenced. Does not specify proper venue if the plaintiff does not reside in North Carolina.

**Intro. by Dorsett.**

GS 75

July 12, 2006

**S 1295. JUNK FAXES.** Filed 3/10/06. Senate amendment makes the following changes to 1st edition. (1) Revises the bill’s definition of “established business relationship” in proposed GS 75-115 to provide that a relationship based on a customer’s purchase, lease, or rental of the seller’s goods or services ceases 18 months after the last transaction and a relationship based on the customer’s inquiry or application regarding a product or service ceases 3 months after the inquiry or application; (2) Adds GS 75-118(e) that a violation of the new law is a violation of GS 75-1.1 (unfair or deceptive practices in commerce declared unlawful); and (3) Makes a technical correction to proposed GS 75-117(b)(3).

July 19, 2006

**S 1295. JUNK FAXES.** Filed 3/10/06. House committee substitute makes the following changes to 2nd edition. Includes in the definition of established business relationship relationships between nonprofits and their members, contributors, volunteers, and clients. Clarifies that only sending an unsolicited advertisement is a violation of GS 75-1.1 (unfair or deceptive practices in commerce declared unlawful) (was, any violation of proposed new Article 5 of GS Chapter 75). Makes the act effective for offenses committed on or after September 1, 2006.

August 14, 2006

**SL 2006-207 (S 1295). JUNK FAXES. AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE UNSOLICITED FACSIMILES.** Summarized in *Daily Bulletin* 5/10/06, 7/12/06, and 7/19/06. Enacted August 8, 2006. Effective September 1, 2006.