

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

SENATE BILL 1253

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1282; RELATING TO FAX ADVERTISING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, article 6, Arizona Revised Statutes,
3 is amended by adding section 44-1282, to read:

4 44-1282. Advertising by fax

5 A. A PERSON OR ENTITY THAT CONDUCTS BUSINESS IN THIS STATE SHALL NOT
6 TRANSMIT DOCUMENTS BY FAX MACHINE OR CAUSE TO BE FAXED ANY DOCUMENTS
7 CONSISTING OF UNSOLICITED ADVERTISING MATERIAL, REGARDLESS OF THE MEANS OF
8 RECEIPT, FOR THE LEASE, SALE, RENTAL, GIFT OR OTHER DISPOSITION OF ANY REAL
9 ESTATE, GOODS OR SERVICES OR EXTENSION OF CREDIT UNLESS THE SENDER COMPLIES
10 WITH ALL OF THE FOLLOWING:

11 1. THE FAX TRANSMISSION INCLUDES A STATEMENT ON THE UPPER ONE-THIRD OF
12 THE FIRST PAGE OF THE TRANSMISSION THAT IS THE SAME SIZE AS THE MAJORITY OF
13 THE TEXT IN THE MAIN BODY OF THE DOCUMENT THAT THE SENDER HAS ESTABLISHED A
14 SPECIFIED TOLL FREE TELEPHONE NUMBER THAT THE RECIPIENT OF THE UNSOLICITED
15 FAX DOCUMENTS MAY CONTACT TO NOTIFY THE SENDER NOT TO FAX THE RECIPIENT ANY
16 ADDITIONAL UNSOLICITED DOCUMENTS AND THE STATEMENT INCLUDES THE FOLLOWING
17 DISCLOSURE: "CALL TOLL FREE IF YOU WANT YOUR FAX TELEPHONE NUMBER TO BE
18 REMOVED FROM THE SENDER'S TRANSMITTAL LIST."

19 2. IF THE SENDER FAXES AN ADVERTISEMENT IN A LANGUAGE OTHER THAN
20 ENGLISH, THE SENDER INCLUDES THE STATEMENT PRESCRIBED IN PARAGRAPH 1 IN THAT
21 OTHER LANGUAGE.

22 3. THE SENDER MAINTAINS A LIST OF INDIVIDUAL FAX MACHINE NUMBERS OF
23 PERSONS WHO HAVE REQUESTED NOT TO RECEIVE SOLICITATIONS FROM THE SENDER.

24 B. IT IS AN UNLAWFUL PRACTICE PURSUANT TO SECTION 44-1522 FOR ANY
25 PERSON OR ENTITY THAT CONDUCTS BUSINESS IN THIS STATE TO INITIATE AN OUTBOUND
26 FAX DOCUMENT TO ANOTHER PERSON IF THAT OTHER PERSON HAS PREVIOUSLY STATED A
27 DESIRE NOT TO RECEIVE A FAX TRANSMISSION MADE BY OR ON BEHALF OF THE SENDER
28 WHOSE GOODS OR SERVICES ARE BEING OFFERED.

29 C. A LOCAL TELECOMMUNICATIONS SERVICE PROVIDER OR LONG-DISTANCE
30 TELECOMMUNICATIONS SERVICE PROVIDER THAT PROVIDES TELECOMMUNICATIONS SERVICES
31 TO AN END-USE CUSTOMER WHO USES THOSE SERVICES IN VIOLATION OF THIS SECTION
32 IS NOT LIABLE UNDER THIS SECTION SOLELY FOR PROVIDING THOSE SERVICES TO THAT
33 END-USE CUSTOMER. A LOCAL TELECOMMUNICATIONS SERVICE PROVIDER OR
34 LONG-DISTANCE TELECOMMUNICATIONS SERVICE PROVIDER THAT INITIATES AN OUTBOUND
35 FAX DOCUMENT OR ANY OTHER ENTITY THAT CONTRACTS WITH A LOCAL
36 TELECOMMUNICATIONS SERVICE PROVIDER OR LONG-DISTANCE TELECOMMUNICATIONS
37 SERVICE PROVIDER TO INITIATE AN OUTBOUND FAX DOCUMENT SHALL COMPLY WITH THIS
38 SECTION AND IS LIABLE FOR ANY VIOLATION OF THIS SECTION. FOR THE PURPOSES OF
39 THIS SUBSECTION, "LOCAL TELECOMMUNICATIONS SERVICE PROVIDER" AND
40 "LONG-DISTANCE TELECOMMUNICATIONS SERVICE PROVIDER" HAVE THE SAME MEANING
41 PRESCRIBED IN SECTION 44-1571.