

CHAPTER NO. 670

SENATE BILL NO. 2995

By Burchett, McNally

Substituted for: House Bill No. 2930

By Hagood

AN ACT To amend Tennessee Code Annotated, Title 47, Chapter 18, Part 16, relative to the unsolicited transmission of certain telefacsimile messages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-1602, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 47-18-1602. In addition to the remedies provided in §47-18-2501 for unsolicited advertising material sent by facsimile or e-mail, a violation of §47-18-1604 for those acts prohibited under §47-18-2501, shall be construed to constitute an unfair trade practice under the Consumer Protection Act compiled in Part 1 of this chapter affecting the conduct of any trade, commerce or consumer transaction to the extent that:

(1) such unfair trade practice disrupts the normal flow of business of the person who has received such unsolicited advertising material; or

(2) an entity who violates §47-18-1604 has engaged in a pattern or practice of refusing to comply with requests of those who have notified the initiator that the recipient does not want to receive any further unsolicited facsimile or e-mail messages from the initiator.

The person sending the unsolicited advertising material in violation of §47-18-1604 shall be subject only to the penalties and remedies as provided in this act.

SECTION 2. Tennessee Code Annotated, Section 47-18-1603, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 47-18-1604, is amended by deleting the section in its entirety and by substituting instead the following language:

Section 47-18-1604. A civil penalty in the amount of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) may be assessed by the appropriate regulatory agency against any person who initiates any facsimile or e-mail message to a recipient who has previously notified the initiator, in accordance with §47-18-2501(b) and (c), clearly indicating that the recipient does not want to receive any further unsolicited facsimile or e-mail messages from the initiator. All such funds collected shall be deposited in the State General Fund.

SECTION 4. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: April 10, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of April 2000


DON S. QUIGLEY, GOVERNOR