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NEWS RELEASE

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Attorney General Joins 41 Other States in Expressing Concern Over Proposed Legislation on Junk Faxes

(JUNEAU) - Alaska Attorney General Gregg Renkes joined with 41 other attorneys general in a letter to express their concerns to Congress regarding the proposed Junk Fax Prevention Act (JFPA). The Act seeks to amend the junk fax provisions of the Telephone Consumer Protection Act (TCPA).

Under current FCC regulations businesses are required to obtain permission from customers before faxing a solicitation. The JFPA would provide an exemption to the permission requirement for faxes to customers with whom the business has an "established business relationship" based on transactions with the customer in the last five to seven years. The attorneys general believe this is too much time.

"Although the proposed law purports to reduce unsolicited faxes, I am concerned that the proposed changes to the TCPA would negatively affect consumers and go beyond measures necessary to protect legitimate businesses," said Attorney General Gregg Renkes. "Any exemption created should fall within a reasonable timeframe tied to transactions between the soliciting business and its customers."

The letter urges Congress, if it chooses to provide such an exemption, to limit the time period to 18 months after the consumer's last transaction with the business, or three months following an inquiry or application. These time periods are consistent with the time periods for exceptions found in the Do-Not-Call registry.

Other recommendations include requirements that the consumer's express permission to receive fax solicitations be in writing, as is required in the Do-Not-Call context, and that that fax senders include identifying information on every fax. Such information would include the sender's and the advertising business's physical address, telephone number, and the actual number from which the fax is sent. The attorneys general also suggest that fax senders be required to maintain records of consumers' requests for removal from fax lists and records showing these requests have been honored.

More

(Junk Fax Press Release, *con't.*)

For more information, contact Assistant Attorney General Cynthia Drinkwater, Alaska Department of Law, Consumer Protection Unit, at 907-269-5100. A copy of the letter is available online at:

www.law.state.ak.us.

Text for the proposed House and Senate versions of the Junk Fax Prevention Act of 2004 are available online at:

<http://thomas.loc.gov/cgi-bin/query/z?c108:H.R.4600>..

<http://thomas.loc.gov/cgi-bin/query/D?c108:1:./temp/~c108fBc49c>::

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