

NEW FCC FAX PERMISSION REGULATION

FREQUENTLY ASKED QUESTIONS

August 11, 2003

BASICS

1. This is a new FCC (Federal Communications Commission) regulation, not a law.
2. The new regulation is part of the FCC Telephone Consumer Protection Act (which mostly focuses on the "do not call" list).
3. The new regulation goes into effect August 25, 2003.
4. It states that you must obtain written (signed) permission from someone before you can send them an "unsolicited advertisement."
5. It doesn't matter if you have an "existing business relationship." This is a change from the FCC's earlier (1991) ruling, which said that you could fax someone an advertisement if you had an "existing business relationship." (An "existing business relationship" is one where you have already done business with a customer, for example.) This new regulation reverses this ruling.
6. Failure to comply can result in potential FCC enforcement, state enforcement, and a possible lawsuit for up to \$1,500 per fax per recipient.

WHO IT APPLIES TO

- This new regulation applies ONLY to the United States (not Canada, Europe, Asia, or any other country).
- Any business or organization, profit or non-profit, must obtain signed permission before faxing an "unsolicited advertisement."

WHAT IT APPLIES TO

- This new regulation applies only to faxed "unsolicited advertisements," which are defined as "any material advertising availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission."
- It does NOT apply to non-advertising material generated as part of doing normal business, such as purchase orders, requests for proposals, invoices, and order confirmations.
- It does NOT apply to surveys (so long as the survey does not include any promotional content).
- It does NOT apply to email.