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U.S. Senate Committee Approves "Junk Fax" Bill

The U.S. Senate Committee on Commerce, Science and Transportation recently approved by unanimous consent the "Junk Fax Prevention Act of 2005" (Senate Bill 714). The bill would create an exemption for the sending of unsolicited faxes to parties with whom the sender has an "established business relationship," but would also require such faxes to include opt-out disclosures. SB 714 would also give the FCC authority to limit the duration of the established business relationship exemption as it deems appropriate.

Late last year, the Federal Communications Commission (FCC) postponed to June 30, 2005 the effective date of its new interpretation of the commercial fax regulations that eliminated the established business relationship (EBR) exception. Under the new interpretation, businesses can only send unsolicited fax advertisements if they have the recipient's express written consent. If passed as currently written, S.B. 714 will permanently restore the EBR exemption. The bill has bi-partisan support and many believe it will be passed soon.