

Testimony on HB 2599 – Unsolicited Fax Transmissions  
From Rep. Tom Sloan, proponent

February 16, 2006

Senate Utilities Committee

Mr. Chairman, Members of the Committee: HB 2599 provides a means by which persons with fax machines in their homes can stop unwanted messages from coming through. Aside from the wasted paper and ink, there is the hassle of dealing with vendors with whom you have no relationship nor interest in developing one.

The bill is patterned on the “Do Not Call” legislation that we passed several years ago to stop unwanted telephone solicitations. The Attorney General is authorized to contract with a national or regional vendor to compile and maintain a list of telephone numbers to which unsolicited faxes should not be sent. The Attorney General is authorized to charge fees to persons acquiring the “Do Not Fax” list as a means of paying for the program. In addition, the Attorney General is authorized to seek penalties, including financial, from persons who violate the “Do Not Fax” list.

The “Do Not Call” legislation has been very successful, and is maintained as part of a national Do Not Call list. I envision the Kansas “Do Not Fax” program will also become part of a national listing.

By law, each unsolicited fax must have a telephone number printed that if called will automatically remove your fax number from their dialing list. I have called every time an unsolicited fax has arrived at my home. Many times multiple faxes have been sent the same day from the same originating number. More importantly, the number of unsolicited faxes that arrive on my machine each week do not decline. Whether the sender simply acquires new “sending” numbers or the list of receiving fax numbers is sold to other broadcast faxers is immaterial. Rather than the burden, and apparently never ending burden, to halt the inflow of unsolicited faxes being on the person receiving the material, I believe that the responsibility should be on the sender to ensure that only people wanting information receive it.

I do not pretend that unsolicited faxes are nearly as disruptive as unsolicited telephone calls, but they do intrude on one’s home and they do cost citizens money. Because this program is modeled on the existing unwanted telephone solicitation program, it should be relatively easy and inexpensive to implement. It is important to note that no specific vendor is specified in the bill to administer the program on behalf of the state. That decision will be made by the Attorney General. I have been told by the A.G.’s staff that they support this bill.

Thank you for your attention and consideration. I regret that I am in House Utilities Committee instead of appearing before you. Please contact me if you have questions.