

Direct Marketing Association

**TESTIMONY
SENATE UTILITIES COMMITTEE
HOUSE BILL NO. 2599
February 16, 2006**

Dear Chairman Emler and Honorable Members of the Senate Utilities Committee:

Thank you for the opportunity to submit these written comments to you this morning. My name is Doug Smith. I appear on behalf of the Direct Marketing Association (DMA), which serves as a professional trade association for direct marketers. The DMA is the oldest and largest national trade association, serving the direct marketing industry since 1917.

We oppose House Bill No 2599 which relates to unsolicited facsimile transmissions.

In 2005 the United States Congress created the "Junk Fax Prevention Act" (JFPA) which President Bush signed into law on July 9, 2005. The JFPA amends the Telephone Consumer Protection Act (TCPA) by permitting businesses to send unsolicited fax advertisements to consumers and business only if they have an established business relationship. The Act also requires the communication to contain certain elements, such as a provision to allow the consumer to opt out, notice and contact information.

The Junk Fax Prevention Act mandates that the Federal Communications Commission, the regulatory body with authority over the TCPA, to adopt rules and regulations. The regulations to implement the Act are to be in place by April of 2006.

We believe that House Bill No. 2599 is a duplication of effort at this time and urge the Committee to hold off action until the FCC is able to get the new law up and running.

Thank you for your consideration.

The DMA did not appear on this issue in the House Utilities Committee because the DMA had not developed a position on this legislation, as they have been focusing their efforts on the new federal law and the rule making process in Washington D.C.