

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 455
Committee Substitute Favorable 4/27/89

Short Title: Unsolicited Fax Ads-Illegal.

(Public)

Sponsors:

Referred to:

March 6, 1989

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING UNSOLICITED FACSIMILE MACHINE MESSAGES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 14-196 reads as rewritten:

5 "**§ 14-196. Using profane, indecent or threatening language to any person over**
6 **telephone; annoying or harassing by repeated telephoning or making**
7 **false statements over telephone; transmitting unsolicited facsimile**
8 **messages.**

9 (a) It shall be unlawful for any person:

10 (1) To use in telephonic communications any words or language of a
11 profane, vulgar, lewd, lascivious or indecent character, nature or
12 connotation;

13 (2) To use in telephonic communications any words or language
14 threatening to inflict bodily harm to any person or physical injury to
15 the property of any person, or for the purpose of extorting money or
16 other things of value from any person;

17 (3) To telephone another repeatedly, whether or not conversation ensues,
18 for the purpose of abusing, annoying, threatening, terrifying, harassing
19 or embarrassing any person at the called number;

20 (3a) To use a machine that electronically transmits facsimiles of documents
21 through connection with a telephone network to transmit unsolicited
22 advertising material for the sale of any real property, tangible or
23 intangible personal property, or services;

- 1 (4) To make a telephone call and fail to hang up or disengage the
2 connection with the intent to disrupt the service of another;
- 3 (5) To telephone another and to knowingly make any false statement
4 concerning death, injury, illness, disfigurement, indecent conduct or
5 criminal conduct of the person telephoned or of any member of his
6 family or household with the intent to abuse, annoy, threaten, terrify,
7 harass, or embarrass;
- 8 (6) To knowingly permit any telephone under his control to be used for
9 any purpose prohibited by this section.
- 10 (b) Any of the above offenses may be deemed to have been committed at either
11 the place at which the telephone call or calls were made or at the place where the
12 telephone call or calls were received.
- 13 (c) Anyone violating the provisions of this section shall be guilty of a
14 misdemeanor and shall be subject to a fine or imprisonment, or both, in the discretion of
15 the court.
- 16 (d) The district attorney in the district in which an offense occurs, or the Attorney
17 General, may petition the superior court for an injunction prohibiting further behavior
18 constituting an offense under this section."
- 19 Sec. 2. This act shall become effective October 1, 1989.