

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 455

Short Title: Unsolicited Fax Ads-Illegal.

(Public)

Sponsors: Representative Gibson.

Referred to: Infrastructure.

March 6, 1989

A BILL TO BE ENTITLED

AN ACT PROHIBITING UNSOLICITED FACSIMILE MACHINE MESSAGES.

The General Assembly of North Carolina enacts:

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

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

(a) It shall be unlawful for any person:

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

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

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

(3a) To use a machine that electronically transmits facsimiles of documents through connection with a telephone network to transmit unsolicited advertising material for the sale of any real property, goods, 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
17 Attorney General, may petition the superior court for an injunction prohibiting further
18 behavior constituting an offense under this section."

19 Sec. 2. This act shall become effective October 1, 1989.