

MONTANA

Mont. Code Ann.

§31-14-1501. Unsolicited Advertising by Fax

(1) As used in this section, the following definitions apply:

- (1)(a) "Telephone facsimile machine" means equipment that has the capacity to:
 - (1)(a)(i) transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line onto paper; or
 - (1)(a)(ii) transcribe text or images, or both, from an electronic signal received over a regular telephone line onto paper.
- (1)(b) "Unsolicited advertisement" means any material advertising the commercial availability or quality of any property, goods, or service that is transmitted to a person without that person's prior express invitation or permission.

(2)(a) Except as provided in subsection (2)(b), a person may not use a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine.

(2)(b) The prohibition contained in subsection (2)(a) does not pertain to a facsimile transmission containing public safety information that is sent by a law enforcement or public safety entity.

(3) A violation of this section is a violation of Title 30, Chapter 14, Part 1 [*the Consumer Protection Act*].

Created by Chapter 312, §1, Laws of 2003, effective October 1, 2003.

§45-8-216. Prohibited Conduct Involving Automated Fax Machines

(1) A person may not use an automated telephone system, device, or facsimile machine for the selection and dialing of telephone numbers and playing of recorded messages if a message is completed to the dialed number for the purpose of:

- (1)(a) offering goods or services for sale;
- (1)(b) conveying information on goods or services in soliciting sales or purchases;
- (1)(c) soliciting information;
- (1)(d) gathering data or statistics; or
- (1)(e) promoting a political campaign or any use related to a political campaign.

(2) This section does not prohibit the use of an automated telephone system, device, or facsimile machine described under subsection (1) for purposes of informing purchasers of the receipt, availability for delivery, delay in delivery, or other pertinent information on the status of any purchased goods or services, of responding to an inquiry initiated by any person, or of providing any other pertinent information when there is a preexisting business relationship. This section does not prohibit the use of an automated telephone system or device if the permission of the called party is obtained by a live operator before the recorded message is delivered.

(3) A person violating subsection (1) is subject to a fine of not more than \$2,500.

Created by Chapter 230, §1, Laws of 1991.