

# NEW YORK

## N.Y. Gen. Bus. Law

### §396-aa. Unsolicited Advertising by Fax

1. It shall be unlawful for a person, corporation, partnership or association to initiate the unsolicited transmission of telefacsimile messages promoting goods or services for purchase by the recipient of such messages. For purposes of this section, "telefacsimile" shall mean every process in which electronic signals are transmitted by telephone lines for conversion into written text. This section shall not apply to telefacsimile messages sent to a recipient with whom the initiator has had a prior contractual or business relationship. Notwithstanding the above, it shall be unlawful to initiate any telefacsimile message to a recipient who has previously sent a written or telefacsimile message to the initiator clearly indicating that the recipient does not want to receive telefacsimile messages from the initiator.

2. Any person who has received a telefacsimile transmission in violation of this section may bring an action in his own name to recover his actual damages or \$100, whichever is greater. *Created by Chapter 597, §1, Laws of 1989, effective January 17, 1990. Amended by Chapter 277, §1, Laws of 2006, effective August 25, 2006.*