

NORTH DAKOTA

N.D. Cent. Code

§51-07-23. Unsolicited Advertising by Fax

It is unlawful for any person to initiate the unsolicited transmission of a telefacsimile message promoting a good or service for purchase by the recipient of the message. The term "telefacsimile" as used in this section means any process in which an electronic signal is transmitted by telephone line for conversion into written text. This section does not apply to a telefacsimile message sent to a recipient with whom the initiator has had a prior contractual or business relationship, nor does it apply to transmissions not exceeding two pages which are transmitted between the hours of 9 p.m. and 6 a.m. Notwithstanding the above, it is unlawful to initiate a 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 any telefacsimile from the initiator. A person who transmits an unsolicited telefacsimile message in violation of this section is liable to the recipient of that message for \$50 per month for each month in which the recipient receives the unsolicited message.

Created by Chapter 523, §1, Laws of 1991, Effective July 1, 1991.