

NAR Issue Summary

Technologies / FCC Do Not Fax Rule

NAR Committee:

Federal Technology Policy Committee

What is the fundamental issue?

Federal Preemption of State Laws Relating to Interstate Faxing.

I am a real estate professional. What does this mean for my business?

Federal and state rules regulate the practice of sending commercial faxes. For those conducting interstate business, the federal law establishes uniform standards, including an existing business relationship exception that gives members a safe harbor for interstate commercial fax transmissions with existing clients and customers. REALTORS® who wish to use fax transmissions for intrastate commercial solicitations must also comply with state laws.

NAR Policy:

Support limited federal preemption of state laws under the Junk Fax Protection Act of 2005 with regard to interstate faxes but not intrastate faxes.

For more information on do-no-fax rule compliance, please visit our [page on nar.realtor](https://www.nar.realtor).

Opposition Arguments:

The federal legislation should be a minimum standard and states should be free to impose higher standards on interstate faxes.

Legislative/Regulatory Status/Outlook

No actions at this time.

Growing concerns with the proliferation of unsolicited fax advertisements and solicitations in the early 2000's resulted in the implementation of new Federal Communications Commission regulations that placed limits on the ability of marketers to send unsolicited commercial faxes. In response to the regulations, the business community, including NAR, raised concerns as to the rules significant impact on the ability of businesses to easily and cost-effectively communicate with their established clients and customers. NAR successfully sought legislation, the Junk Fax Prevention Act of 2005, that addressed some of the regulations most



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onerous components and created an "established business relationship" exception to the rules.

Current Legislation/Regulation (bill number or regulation)

No actions at this time.

