

Penzer, Michael, etc. vs. Transportation Insurance Company

Year: 2007

Court: Florida Supreme Court

Case Number: SC08-2068, Lower Court Case No.: 07-13827-FF

Insurance companies have a duty to defend violations of the Telephone Consumer Protection Act (TCPA) under a CGL policy's "advertising injury" clause even when the facsimile transmission does not disseminate private information. Despite the absence of private information, an unsolicited facsimile arguably can still constitute an unwarranted intrusion and violation of one's right to privacy and activate the insurer's defense obligation.

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