
SENATE BILL 6568

State of Washington 57th Legislature

2002 Regular Session

By Senators Finkbeiner, Benton, Gardner, Poulsen, T. Sheldon, Winsley, Oke, Hale and Rasmussen

Read first time 01/21/2002. Referred to Committee on Economic Development & Telecommunications.

1 AN ACT Relating to commercial electronic mail; and amending RCW
2 19.190.020 and 19.190.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.190.020 and 1999 c 289 s 2 are each amended to read
5 as follows:

6 (1) No person may initiate the transmission, conspire with another
7 to initiate the transmission, or assist the transmission, of a
8 commercial electronic mail message from a computer located in
9 Washington or to an electronic mail address that the sender knows, or
10 has reason to know, is held by a Washington resident that:

11 (a) Uses a third party's internet domain name without permission of
12 the third party, or otherwise misrepresents or obscures any information
13 in identifying the point of origin or the transmission path of a
14 commercial electronic mail message; ~~((or))~~

15 (b) Contains false or misleading information in the subject line;

16 (c) Fails to include "ADV:" as the first four characters in the
17 subject line; or

18 (d) Fails to prominently display in the body of the message the
19 following identifying information: The legal name, mailing address,

1 physical address, true electronic mail address, and telephone number,
2 including area code, of the person initiating the transmission of the
3 message.

4 (2) For purposes of this section, a person knows that the intended
5 recipient of a commercial electronic mail message is a Washington
6 resident if that information is available, upon request, from the
7 registrant of the internet domain name contained in the recipient's
8 electronic mail address.

9 **Sec. 2.** RCW 19.190.030 and 1999 c 289 s 3 are each amended to read
10 as follows:

11 (1) It is a violation of the consumer protection act, chapter 19.86
12 RCW, to conspire with another person to initiate the transmission or to
13 initiate the transmission of a commercial electronic mail message that:

14 (a) Uses a third party's internet domain name without permission of
15 the third party, or otherwise misrepresents or obscures any information
16 in identifying the point of origin or the transmission path of a
17 commercial electronic mail message; ~~((or))~~

18 (b) Contains false or misleading information in the subject line;

19 (c) Fails to include "ADV:" as the first four characters in the
20 subject line; or

21 (d) Fails to prominently display in the body of the message the
22 following identifying information: The legal name, mailing address,
23 physical address, true electronic mail address, and telephone number,
24 including area code, of the person initiating the transmission of the
25 message.

26 (2) It is a violation of the consumer protection act, chapter 19.86
27 RCW, to assist in the transmission of a commercial electronic mail
28 message, when the person providing the assistance knows, or consciously
29 avoids knowing, that the initiator of the commercial electronic mail
30 message is engaged, or intends to engage, in any act or practice that
31 violates the consumer protection act.

32 (3) The legislature finds that the practices covered by this
33 chapter are matters vitally affecting the public interest for the
34 purpose of applying the consumer protection act, chapter 19.86 RCW. A
35 violation of this chapter is not reasonable in relation to the
36 development and preservation of business and is an unfair or deceptive

1 act in trade or commerce and an unfair method of competition for the
2 purpose of applying the consumer protection act, chapter 19.86 RCW.

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