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SENATE BILL 6169

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State of Washington

58th Legislature

2004 Regular Session

By Senators Benton, Schmidt and Roach

Read first time 01/14/2004. Referred to Committee on Technology & Communications.

1 AN ACT Relating to filter services provided by electronic mail  
2 service providers; amending RCW 19.190.010; and adding a new section to  
3 chapter 19.190 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.190 RCW  
6 to read as follows:

7 (1) An electronic mail service provider shall, upon request by the  
8 customer, employ the use of filtering software to block the  
9 transmission of commercial electronic mail messages to that customer.

10 (2) No electronic mail service provider may be held liable for any  
11 action taken in good faith to block the receipt through its service of  
12 any commercial electronic mail.

13 (3) An electronic mail service provider who fails to comply with  
14 the requirements of this chapter shall be liable to the customer for  
15 any actual damages sustained by the person as a result of the failure.  
16 Nothing in this section limits any cause of action or remedy available  
17 under chapter 19.86 RCW.

1       **Sec. 2.** RCW 19.190.010 and 2003 c 137 s 2 are each amended to read  
2 as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Assist the transmission" means actions taken by a person to  
6 provide substantial assistance or support which enables any person to  
7 formulate, compose, send, originate, initiate, or transmit a commercial  
8 electronic mail message or a commercial electronic text message when  
9 the person providing the assistance knows or consciously avoids knowing  
10 that the initiator of the commercial electronic mail message or the  
11 commercial electronic text message is engaged, or intends to engage, in  
12 any practice that violates the consumer protection act.

13       (2) "Commercial electronic mail message" means an electronic mail  
14 message sent for the purpose of promoting real property, goods, or  
15 services for sale or lease. It does not mean an electronic mail  
16 message to which an interactive computer service provider has attached  
17 an advertisement in exchange for free use of an electronic mail  
18 account, when the sender has agreed to such an arrangement.

19       (3) "Commercial electronic text message" means an electronic text  
20 message sent to promote real property, goods, or services for sale or  
21 lease.

22       (4) "Electronic mail address" means a destination, commonly  
23 expressed as a string of characters, to which electronic mail may be  
24 sent or delivered.

25       (5) "Electronic text message" means a text message sent to a  
26 cellular telephone or pager equipped with short message service or any  
27 similar capability, whether the message is initiated as a short message  
28 service message or as an electronic mail message.

29       (6) "Initiate the transmission" refers to the action by the  
30 original sender of an electronic mail message or an electronic text  
31 message, not to the action by any intervening interactive computer  
32 service or wireless network that may handle or retransmit the message,  
33 unless such intervening interactive computer service assists in the  
34 transmission of an electronic mail message when it knows, or  
35 consciously avoids knowing, that the person initiating the transmission  
36 is engaged, or intends to engage, in any act or practice that violates  
37 the consumer protection act.

1 (7) "Interactive computer service" means any information service,  
2 system, or access software provider that provides or enables computer  
3 access by multiple users to a computer server, including specifically  
4 a service or system that provides access to the internet and such  
5 systems operated or services offered by libraries or educational  
6 institutions.

7 (8) "Internet domain name" refers to a globally unique,  
8 hierarchical reference to an internet host or service, assigned through  
9 centralized internet naming authorities, comprising a series of  
10 character strings separated by periods, with the right-most string  
11 specifying the top of the hierarchy.

12 (9) "Person" means a person, corporation, partnership, or  
13 association.

14 (10) "Filtering software" means any software program used by an  
15 electronic mail service provider and designed to block the receipt or  
16 transmission of unsolicited bulk commercial electronic mail messages.

17 (11) "Electronic mail service provider" means any business or  
18 organization that provides registered users the ability to send or  
19 receive electronic mail and is an intermediary in sending or receiving  
20 electronic mail.

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