

2 **2SHB 1037** - S AMD - 417  
3 By Senator Brown

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 19.190.010 and 1998 c 149 s 2 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

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

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

24 ~~((2))~~ (3) "Electronic mail address" means a destination, commonly  
25 expressed as a string of characters, to which electronic mail may be  
26 sent or delivered.

27 ~~((3))~~ (4) "Initiate the transmission" refers to the action by the  
28 original sender of an electronic mail message, not to the action by any  
29 intervening interactive computer service that may handle or retransmit  
30 the message, unless such intervening interactive computer service  
31 assists in the transmission of an electronic mail message when it  
32 knows, or consciously avoids knowing, that the person initiating the  
33 transmission is engaged, or intends to engage, in any act or practice  
34 that violates the consumer protection act.

35 ~~((4))~~ (5) "Interactive computer service" means any information  
36 service, system, or access software provider that provides or enables

1 computer access by multiple users to a computer server, including  
2 specifically a service or system that provides access to the internet  
3 and such systems operated or services offered by libraries or  
4 educational institutions.

5 ~~((5))~~ (6) "Internet domain name" refers to a globally unique,  
6 hierarchical reference to an internet host or service, assigned through  
7 centralized internet naming authorities, comprising a series of  
8 character strings separated by periods, with the right-most string  
9 specifying the top of the hierarchy.

10 (7) "Person" means a person, corporation, partnership, or  
11 association.

12 **Sec. 2.** RCW 19.190.020 and 1998 c 149 s 3 are each amended to read  
13 as follows:

14 (1) No person(~~(, corporation, partnership, or association)~~) may  
15 initiate the transmission, conspire with another to initiate the  
16 transmission, or assist the transmission, of a commercial electronic  
17 mail message from a computer located in Washington or to an electronic  
18 mail address that the sender knows, or has reason to know, is held by  
19 a Washington resident that:

20 (a) Uses a third party's internet domain name without permission of  
21 the third party, or otherwise misrepresents or obscures any information  
22 in identifying the point of origin or the transmission path of a  
23 commercial electronic mail message; or

24 (b) Contains false or misleading information in the subject line.

25 (2) For purposes of this section, a person(~~(, corporation,~~  
26 ~~partnership, or association)~~) knows that the intended recipient of a  
27 commercial electronic mail message is a Washington resident if that  
28 information is available, upon request, from the registrant of the  
29 internet domain name contained in the recipient's electronic mail  
30 address.

31 **Sec. 3.** RCW 19.190.030 and 1998 c 149 s 4 are each amended to read  
32 as follows:

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

36 (a) Uses a third party's internet domain name without permission of  
37 the third party, or otherwise misrepresents or obscures any information

1 in identifying the point of origin or the transmission path of a  
2 commercial electronic mail message; or

3 (b) Contains false or misleading information in the subject line.

4 (2) It is a violation of the consumer protection act, chapter 19.86  
5 RCW, to assist in the transmission of a commercial electronic mail  
6 message, when the person providing the assistance knows, or consciously  
7 avoids knowing, that the initiator of the commercial electronic mail  
8 message is engaged, or intends to engage, in any act or practice that  
9 violates the consumer protection act.

10 (3) The legislature finds that the practices covered by this  
11 chapter are matters vitally affecting the public interest for the  
12 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
13 violation of this chapter is not reasonable in relation to the  
14 development and preservation of business and is an unfair or deceptive  
15 act in trade or commerce and an unfair method of competition for the  
16 purpose of applying the consumer protection act, chapter 19.86 RCW.

17 NEW SECTION. Sec. 4. RCW 19.190.005 (Findings) and 1998 c 149 s  
18 1 are each repealed."

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22 On page 1, line 1 of the title, after "mail;" strike the remainder  
23 of the title and insert "amending RCW 19.190.010, 19.190.020, and  
24 19.190.030; and repealing RCW 19.190.005."

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