

# SENATE BILL REPORT

## HB 1287

---

---

As Reported By Senate Committee On:  
Technology & Communications, March 24, 2003

**Title:** An act relating to district court jurisdiction over actions involving commercial electronic mail.

**Brief Description:** Clarifying district court jurisdiction over actions involving commercial electronic mail.

**Sponsors:** Representatives Lovick, Bush, Moeller, Campbell, McDonald and Cox; by request of Attorney General.

**Brief History:**

**Committee Activity:** Technology & Communications: 3/20/03, 3/24/03 [DP].

---

### SENATE COMMITTEE ON TECHNOLOGY & COMMUNICATIONS

**Majority Report:** Do pass.

Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

**Staff:** Dario de la Rosa (786-7484)

**Background:** The district courts in Washington State have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases under \$50,000. They have exclusive jurisdiction over small claims and infractions.

Washington statutes regarding unsolicited, deceptive commercial electronic mail, or spam, are designed to protect state residents against bulk commercial e-mails that contain misleading information in the subject line, use a third party's internet address without permission or disguise the message's origin.

According to the Attorney General's Office, many plaintiffs have used Washington's anti-spam law to take legal action against out-of-state senders of spam in district courts. These plaintiffs have met with varying degrees of success. Some district courts have exercised jurisdiction over out-of-state defendants, and some have not.

**Summary of Bill:** It is clarified that the district courts in Washington State have jurisdiction over actions brought against senders of spam in violation of Washington's anti-spam law. It is also clarified that it is proper for the district courts in Washington to hear actions against nonresident defendants who violate Washington's anti-spam law.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill is needed to clarify that the district courts in Washington have jurisdiction over senders of deceptive commercial email.

**Testimony Against:** None.

**Testified:** Representative John Lovick, prime sponsor (pro).