

SENATE BILL REPORT

SB 6169

As of January 23, 2004

Title: An act relating to filter services provided by electronic mail service providers.

Brief Description: Requiring electronic mail service providers to offer filtering services.

Sponsors: Senators Benton, Schmidt and Roach.

Brief History:

Committee Activity: Technology & Communications: 1/26/04.

SENATE COMMITTEE ON TECHNOLOGY & COMMUNICATIONS

Staff: Jinnah Rose-McFadden (786-7421)

Background: An interactive computer service is defined in statute as an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet.

Under current law, an interactive computer service may voluntarily block the receipt or transmission through its service of any commercial electronic mail reasonably believed to be sent in violation of state law. Interactive computer services may not be held liable for blocking, in good faith, electronic mail reasonably believed to be unlawful.

There is currently no parallel statute applying to electronic mail service providers, nor is there any requirement that electronic mail service providers offer filtering software to their customers.

Summary of Substitute Bill: Electronic mail service providers must, upon request, use filtering software to block the transmission of unsolicited bulk commercial electronic mail messages to requesting customers. Customers may seek actual damages for a service provider's failure to comply with such a request. Additionally, failure to comply may result in civil actions under Washington State's Consumer Protection Act.

Key terms, such as filtering software, electronic mail service provider, unsolicited and bulk electronic mail are defined. Filtering software is defined as any software program used and designed to block the receipt or transmission of unsolicited bulk commercial electronic mail. An electronic mail service provider is any private business or organization that provides registered users the ability to send or receive electronic mail and is an intermediary in sending or receiving electronic mail. An unsolicited electronic mail message is a message that the recipient has not granted verifiable permission to receive. Bulk electronic mail is a collection of mail messages with substantively identical content.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on January 22, 2004.

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