
SENATE BILL 5976

State of Washington

69th Legislature

2026 Regular Session

By Senators Harris, Lias, and Nobles

Prefiled 01/05/26. Read first time 01/12/26. Referred to Committee on Business, Trade & Economic Development.

1 AN ACT Relating to modifying the Washington commercial electronic
2 mail act; amending RCW 19.190.020, 19.190.040, and 19.190.100;
3 creating a new section; and repealing RCW 19.190.030.

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

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

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

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

17 (b) Contains (~~false or misleading information in the subject~~
18 line) a subject line which, based on the person's actual knowledge,
19 or knowledge fairly implied on the basis of objective circumstances,
20 would be likely to mislead a recipient, acting reasonably under the
21 circumstances, about a fact material to the relevant transaction, and

1 which subject line was in fact material to the recipient in
2 completing the transaction.

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

8 **Sec. 2.** RCW 19.190.040 and 2003 c 137 s 5 are each amended to
9 read as follows:

10 (1) Damages to (~~the recipient of~~) a person who received,
11 reviewed, and detrimentally relied upon a commercial electronic mail
12 message or a commercial electronic text message sent in violation of
13 this chapter are (~~five hundred dollars~~) \$500, or actual damages,
14 whichever is greater.

15 (2) Damages to an interactive computer service resulting from a
16 violation of this chapter are (~~one thousand dollars~~) \$1,000, or
17 actual damages, whichever is greater.

18 (3) Nothing within this section shall prevent the recipient of a
19 commercial electronic mail message from bringing claims under any
20 other applicable law.

21 **Sec. 3.** RCW 19.190.100 and 2005 c 378 s 4 are each amended to
22 read as follows:

23 (1) The legislature finds that the practices covered by this
24 chapter are matters vitally affecting the public interest for the
25 purpose of applying the consumer protection act, chapter 19.86 RCW.
26 ((A)) Except as provided in subsection (2) of this section, a
27 violation of this chapter is not reasonable in relation to the
28 development and preservation of business, and is an unfair or
29 deceptive act in trade or commerce and an unfair method of
30 competition for the purpose of applying the consumer protection act,
31 chapter 19.86 RCW.

32 (2) This section does not apply to a violation of RCW 19.190.020.

33 NEW SECTION. **Sec. 4.** RCW 19.190.030 (Unpermitted or misleading
34 electronic mail—Violation of consumer protection act) and 1999 c 289
35 s 3 & 1998 c 149 s 4 are each repealed.

1 NEW SECTION. **Sec. 5.** This act applies to all causes of action
2 commenced on or after the effective date of this section, regardless
3 of when the cause of action arose. To this extent, this act applies
4 retroactively, but in all other respects it applies prospectively.

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