
ENGROSSED SUBSTITUTE SENATE BILL 6568

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Economic Development & Telecommunications
(originally sponsored by Senators Finkbeiner, Benton, Gardner, Poulsen,
T. Sheldon, Winsley, Oke, Hale and Rasmussen)

READ FIRST TIME 02/06/2002.

1 AN ACT Relating to commercial electronic mail; amending RCW
2 19.190.020; adding a new section to chapter 19.190 RCW; and creating a
3 new section.

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 read
6 as follows:

7 (1) No person may initiate the transmission, conspire with another
8 to initiate the transmission, or assist the transmission, of a
9 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 to know, is held by a Washington resident that:

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

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

17 (2) For purposes of this section, a person knows that the intended
18 recipient of a commercial electronic mail message is a Washington
19 resident if that information is available, upon request, from the

1 registrant of the internet domain name contained in the recipient's
2 electronic mail address or from directories of Washington residents
3 that are readily available on-line and reasonably reliable.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.190 RCW
5 to read as follows:

6 (1) No person may initiate the transmission, conspire with another
7 to initiate the transmission, or assist the transmission, of a
8 commercial electronic mail message from a computer located in
9 Washington or to an electronic mail address that the sender knows, or
10 has reason to know, is held by a Washington resident that fails to
11 include "ADV:" as the first four characters in the subject line.

12 (2) For purposes of this section:

13 (a) "Commercial electronic mail message" does not mean an
14 electronic mail message sent by a person with whom the recipient has a
15 current or prior business relationship.

16 (b) "Current or prior business relationship" means:

17 (i) The recipient has clearly and affirmatively indicated a
18 willingness to receive commercial electronic mail messages from that
19 sender;

20 (ii) The recipient has purchased or leased real property, goods, or
21 services from the sender of the unsolicited commercial electronic mail
22 message, the message from the sender directly concerns the purchase or
23 lease, and the message is sent within the warranty period or within
24 thirteen months after the date of purchase or lease, whichever period
25 is a greater length of time; or

26 (iii) The recipient has an ongoing contract with the sender of the
27 unsolicited commercial electronic mail message, and the message from
28 the sender directly concerns the ongoing contract.

29 (3) The legislature finds that the practices covered by this
30 section are matters vitally affecting the public interest for the
31 purpose of applying the consumer protection act, chapter 19.86 RCW. A
32 violation of this section is not reasonable in relation to the
33 development and preservation of business and is an unfair or deceptive
34 act in trade or commerce and an unfair method of competition for the
35 purpose of applying the consumer protection act, chapter 19.86 RCW.

36 NEW SECTION. **Sec. 3.** If any section, subsection, or other
37 provision of this act or its application to any person or circumstance

1 is held invalid, the remainder of the act or the application of the
2 provision to other persons or circumstances is not affected.

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