

HOUSE OF REPRESENTATIVES  
Thursday, February 18, 1999

## Committee Substitute for House Bill No. 1410

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1410 -- By PERRY and DEUTSCHENDORF.

An Act relating to telecommunications; making it unlawful to transmit electronic mail messages with a third party, a false or with no Internet domain name; making it unlawful to transmit electronic mail messages containing certain misleading or false information; providing for a civil remedy; making the unlawful activity a violation of the Oklahoma Consumer Protection Act; providing a definition; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.1 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for a person to initiate an electronic mail message that the sender knows, or has reason to know:

1. Uses an internet domain name of a third party without permission of the third party;
2. Misrepresents any information in identifying the point of origin or the transmission path of the electronic mail

message;

3. Does not contain information identifying the point of origin or the transmission path of the electronic mail message;

or

4. Contains false, malicious, or misleading information which purposely or negligently injures a person.

B. Any person violating the provisions of this section shall be subject to a civil penalty of up to Five Hundred Dollars (\$500.00).

C. All acts and practices declared to be unlawful by this section shall, in addition, be violations of the Oklahoma Consumer Protection Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.2 of Title 15, unless there is created a duplication in numbering, reads as follows:

For purposes of Section 1 of this act:

1. "Electronic mail messages" means a message, file, or other information that is transmitted through a local, regional, or global network regardless of whether the message, file, or other information is viewed, stored for retrieval at a later time, printed on to paper or other similar material, or is filtered or screened by a computer program that is designed or intended to filter or screen items of electronic mail;

2. "Internet domain name" means a globally unique, hierarchical reference to an Internet host or service, assigned through a centralized Internet naming authority, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy; and

3. "Initiate the transmission" means the action of the original sender of an electronic mail message, not to the action by any intervening computer service that may handle or retransmit the message.

SECTION 3. This act shall become effective July 1, 1999.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON SCIENCE AND TECHNOLOGY, dated 2-17-99 – DO PASS, As Coauthored.