

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1410

By: Perry

AS INTRODUCED

An Act relating to telecommunications; making it unlawful to send unsolicited electronic mail advertising or messages without certain statements; stating contents of the statement; making it unlawful to send unsolicited electronic mail advertising or messages after notification to stop; providing for a civil remedy; allowing for recovery of certain costs; making the unlawful activity a violation of the Oklahoma Consumer Protection Act; providing a definition; making it unlawful to transmit unsolicited electronic mail advertising or 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 sender to transmit an unsolicited electronic mail advertisement or message unless the text begins with a statement:

1. That the electronic mail is sent as advertising;
 2. Listing the legal name, complete street address, electronic mail address, and telephone number of the sender;
 3. That the person receiving the unsolicited electronic mail advertisement or message may elect not to receive any further unsolicited electronic mail advertising or messages from the sender;
- and

4. That the person may exercise the election provided for in paragraph 3 of this subsection by notifying the sender to stop sending unsolicited electronic mail advertising or messages.

B. It shall be unlawful for a sender to transmit unsolicited electronic mail advertising or messages to a person after that person notifies the sender to stop transmitting the advertising or messages to that person.

C. If a sender continues transmission after a person notifies the sender to stop transmitting unsolicited electronic mail advertising or messages, the person may bring a civil action to enjoin the sender from transmitting unsolicited electronic mail advertising or messages to the recipient and to recover actual damages, or Two Hundred Dollars (\$200.00), whichever is greater. If a person obtains an injunction against or recovers actual damages from a sender of unsolicited electronic mail advertising or messages, the court shall award that person court costs, including reasonable attorneys' fees.

D. 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:

A. It shall be unlawful for a person to initiate an electronic mail advertisement or 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 or otherwise misrepresents any information in identifying the point of origin of the transmission path of the electronic mail advertisement or mail message; or

2. Contains false or misleading information in the subject line.

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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.3 of Title 15, unless there is created a duplication in numbering, reads as follows:

For purposes of Section 1 and 2 of this act, "unsolicited electronic mail advertising or messages" means any material that advertises the commercial availability or quality of any property, goods, services and that is transmitted to a person in the state via electronic mail without the express invitation or permission of that person, except for any such material that is sent based upon a prior contractual or business relationship between the sender and the person.

SECTION 4. This act shall become effective July 1, 1999.

SECTION 5. 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.

47-1-5069 KB 6/12/15