

ENGROSSED HOUSE  
BILL NO. 1528

By: Perry, Case and Pettigrew  
of the House

and

Coffee of the Senate

An Act relating to technology; amending 15 O.S. 2001, Sections 776.1 and 776.4, which relate to fraudulent electronic mail; making it unlawful to send certain electronic mail messages without certain information in the subject line; requiring certain additional information in certain messages for adults; adding certain definitions; and providing an effective date.

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

SECTION 1. AMENDATORY 15 O.S. 2001, Section 776.1, is amended to read as follows:

Section 776.1 A. It shall be unlawful for a person to initiate an electronic mail message that the sender knows, or has reason to know:

1. Misrepresents any information in identifying the point of origin or the transmission path of the electronic mail message;
2. Does not contain information identifying the point of origin or the transmission path of the electronic mail message; or
3. 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 ~~subsection A and E~~ of this section shall, in addition, be violations of the Oklahoma Consumer Protection Act.

D. For purposes of this section, an electronic mail message which is declared to be unlawful by subsection A of this section

shall be considered a fraudulent electronic mail message or a fraudulent bulk electronic mail message.

E. It shall be unlawful for any person to sell, give, or otherwise distribute or possess with the intent to sell, give or distribute software which:

1. Is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information;

2. Has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or

3. Is marketed by that person or another acting in concert with that person and with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

F. It shall be unlawful for a person to initiate an electronic mail message that consists of an unsolicited electronic mail advertisement for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit unless the subject line of each and every message includes "ADV:" as the first four characters. If the electronic mail message contains information that consists of an unsolicited electronic mail advertisement for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit that may only be viewed, purchased, rented, leased, or held in possession by an individual eighteen (18) years of age and older, the subject line of each and every message shall include "ADV:ADLT" as the first eight characters.

SECTION 2. AMENDATORY 15 O.S. 2001, Section 776.4, is amended to read as follows:

Section 776.4 For purposes of Sections ~~±~~ 776.1 through ~~∩~~ 776.3 of this ~~act~~ title:

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. "Fraudulent electronic mail message" or "fraudulent bulk electronic mail message" means any electronic mail message or bulk electronic mail message which is declared unlawful by subsection A of Section 1 of this act;

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;

4. "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through the communications facilities; ~~and~~

5. "Electronic mail service provider" means any person who:
- a. is an intermediary in sending or receiving electronic mail, and
  - b. provides to end-users of electronic mail services the ability to send or receive electronic mail;

6. "Electronic mail advertisement" means any electronic mail message, the principal purpose of which is to promote, directly or indirectly, the sale or other distribution of goods or services to the recipient; and

7. "Unsolicited electronic mail advertisement" means any electronic mail advertisement that:

- a. is addressed to a recipient with whom the initiator does not have an existing business or personal relationship, and
- b. is not sent at the request of or with the express consent of the recipient.

SECTION 3. This act shall become effective November 1, 2003.

Passed the House of Representatives the 11th day of March, 2003.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2003.

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Presiding Officer of the Senate