

HB 228 -- Unsolicited Commercial E-mail

Co-Sponsors: Smith (14), Bearden, Graham, Cunningham (86),
Bruns, Shoemaker (8), Hanaway

This bill requires the Attorney General to develop and maintain a list of consumers who have registered their objection to receiving unsolicited commercial e-mail. Rules must be promulgated by February 1, 2004, and no one may transmit unsolicited e-mail to list members after July 1, 2004. Replies to messages sent by the consumer and e-mail from senders that have an ongoing business relationship with the consumer are exempt. Funding to establish and administer the list may be appropriated from the Merchandising Practices Revolving Fund and other sources. The bill also requires anyone who sends commercial e-mail to any consumer in Missouri to identify themselves clearly at the beginning of the message.

The Attorney General may initiate proceedings against violators, impose injunctions and civil penalties of up to \$5,000 for each violation, and seek additional relief. Violators are also subject to penalties provided in merchandising practices law. State courts may exercise personal jurisdiction over nonresidents. The statute of limitations is two years, and Internet service providers that carry unsolicited e-mail initiated by others are not liable for violations.