

SECOND REGULAR SESSION

HOUSE BILL NO. 1976

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARTLE.

Read 1st time February 19, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4526L.011

AN ACT

To repeal section 407.1123, RSMo, and to enact in lieu thereof one new section relating to removal of customers from electronic mail message lists.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 407.1123, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.1123, to read as follows:

- 407.1123. 1. No person or entity conducting business in this state shall electronically mail (e-mail) or cause to be e-mailed documents consisting of advertising material for the lease, sale, rental, gift offer or other disposition of any realty, goods, services or extensions of credit without a toll-free telephone number or valid sender-operated return e-mail address that the recipient of the unsolicited documents may call or e-mail to notify the sender not to e-mail any further unsolicited documents. **A sender shall remove the recipient from their e-mail message list if the sender receives an e-mail message from the recipient to the sender-operated return e-mail address that indicates anywhere in the subject line or text that the recipient wants their name removed from the sender's list.**
2. It is an unlawful merchandising practice pursuant to section 407.020 to assist in the transmission of an unsolicited commercial electronic mail message when the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates sections 407.1120 to 407.1132.
3. As used in this section, the phrase "assist or initiate the transmission" does not include or refer to the transmission of any commercial electronic mail message by a telecommunications utility or Internet service provider to the extent that the telecommunications utility or Internet service provider merely carries such transmission over its network.