

Article - Commercial LawSUBTITLE 29. COMMERCIAL ELECTRONIC MAIL~~13-319. 14-2901.~~

~~(A) IN THIS SECTION, "COMMERCIAL ELECTRONIC MAIL MESSAGE" MEANS A COMMUNICATION SENT OR RECEIVED ELECTRONICALLY OVER A COMPUTER NETWORK ALLEGING TO ADVERTISE A GOOD OR SERVICE. SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) (1) "COMMERCIAL ELECTRONIC MAIL" MEANS ELECTRONIC MAIL THAT ADVERTISES REAL PROPERTY, GOODS, OR SERVICES FOR SALE OR LEASE.~~

~~(2) "COMMERCIAL ELECTRONIC MAIL" DOES NOT INCLUDE ELECTRONIC MAIL TO WHICH AN INTERACTIVE COMPUTER SERVICE PROVIDER HAS ATTACHED AN ADVERTISEMENT IN EXCHANGE FOR FREE USE OF AN ELECTRONIC MAIL ACCOUNT.~~

~~(C) (1) "INTERACTIVE COMPUTER SERVICE PROVIDER" MEANS AN INFORMATION SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A COMPUTER SERVICE.~~

~~(2) "INTERACTIVE COMPUTER SERVICE PROVIDER" INCLUDES A SERVICE OR SYSTEM THAT PROVIDES ACCESS TO THE INTERNET AND SYSTEMS OPERATED OR SERVICES OFFERED BY A LIBRARY OR EDUCATIONAL INSTITUTION.~~

~~14-2902.~~

~~(B) (A) THIS SECTION APPLIES TO A COMMERCIAL ELECTRONIC MAIL MESSAGE SENT FROM A COMPUTER LOCATED IN THE STATE OR TO AN ELECTRONIC MAIL ADDRESS THAT THE SENDER KNOWS OR HAS REASON TO KNOW IS HELD BY A RESIDENT OF THE STATE DOES NOT APPLY TO AN INTERACTIVE COMPUTER SERVICE PROVIDER OR A TELECOMMUNICATION UTILITY TO THE EXTENT THAT THE INTERACTIVE COMPUTER SERVICE PROVIDER OR THE TELECOMMUNICATION UTILITY MERELY HANDLES, RETRANSMITS, OR CARRIES A TRANSMISSION OF COMMERCIAL ELECTRONIC MAIL.~~

~~(C) (B) A PERSON MAY NOT INITIATE OR THE TRANSMISSION, CONSPIRE WITH ANOTHER PERSON TO INITIATE THE TRANSMISSION, OR ASSIST IN THE TRANSMISSION OF A COMMERCIAL ELECTRONIC MAIL MESSAGE THAT:~~

~~(1) MISREPRESENTS OR OBSCURES ANY INFORMATION RELATING TO THE POINT OF ORIGIN OR TRANSMISSION PATH OF THE COMMERCIAL ELECTRONIC MAIL MESSAGE; OR~~

~~(2) IS FROM A COMPUTER IN THE STATE OR IS SENT TO AN ELECTRONIC MAIL ADDRESS THAT THE SENDER KNOWS OR SHOULD HAVE KNOWN IS HELD BY A RESIDENT OF THE STATE; AND~~

~~(2) (1) USES A THIRD PARTY'S INTERNET DOMAIN NAME OR ELECTRONIC MAIL ADDRESS WITHOUT THE PERMISSION OF THE THIRD PARTY;~~