

(II) CONTAINS FALSE OR MISLEADING INFORMATION ~~IN~~ ABOUT THE ~~SUBJECT LINE~~ ORIGIN OR THE TRANSMISSION PATH OF THE COMMERCIAL ELECTRONIC MAIL; OR

(III) CONTAINS FALSE OR MISLEADING INFORMATION IN THE SUBJECT LINE THAT HAS THE CAPACITY, TENDENCY, OR EFFECT OF DECEIVING THE RECIPIENT.

~~(D) A PERSON MAY NOT ASSIST IN THE TRANSMISSION OF A COMMERCIAL ELECTRONIC MAIL MESSAGE IF THE PERSON PROVIDING ASSISTANCE KNOWS OR CONSCIOUSLY AVOIDS KNOWING THAT THE PERSON INITIATING THE COMMERCIAL ELECTRONIC MAIL MESSAGE IS ENGAGED OR INTENDS TO ENGAGE IN ANY ACTIVITY THAT VIOLATES THIS TITLE.~~

(C) A PERSON IS PRESUMED TO KNOW THAT THE INTENDED RECIPIENT OF COMMERCIAL ELECTRONIC MAIL IS A RESIDENT OF THE STATE IF THE INFORMATION IS AVAILABLE ON REQUEST FROM THE REGISTRANT OF THE INTERNET DOMAIN NAME CONTAINED IN THE RECIPIENT'S ELECTRONIC MAIL ADDRESS.

(D) AN INTERACTIVE COMPUTER SERVICE PROVIDER:

(1) MAY BLOCK THE RECEIPT OR TRANSMISSION THROUGH ITS INTERACTIVE COMPUTER SERVICE OF COMMERCIAL ELECTRONIC MAIL THAT IT REASONABLY BELIEVES IS OR WILL BE SENT IN APPARENT VIOLATION OF THIS SECTION; AND

(2) MAY NOT BE HELD LIABLE FOR AN ACTION UNDER ITEM (1) OF THIS SUBSECTION THAT IS VOLUNTARILY TAKEN IN GOOD FAITH.

14-2903.

A PERSON WHO VIOLATES THIS SUBTITLE IS LIABLE FOR REASONABLE ATTORNEY'S FEES AND FOR DAMAGES:

(1) TO THE RECIPIENT OF COMMERCIAL ELECTRONIC MAIL, IN AN AMOUNT EQUAL TO THE GREATER OF \$500 OR THE RECIPIENT'S ACTUAL DAMAGES;

(2) TO THE THIRD PARTY WITHOUT WHOSE PERMISSION THE THIRD PARTY'S INTERNET DOMAIN NAME OR ELECTRONIC MAIL ADDRESS WAS USED, IN AN AMOUNT EQUAL TO THE GREATER OF \$500 OR THE THIRD PARTY'S ACTUAL DAMAGES; AND

(3) TO AN INTERACTIVE COMPUTER SERVICE PROVIDER, IN AN AMOUNT EQUAL TO THE GREATER OF \$1,000 OR THE INTERACTIVE COMPUTER SERVICE PROVIDER'S ACTUAL DAMAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved May 6, 2002.