

**PROHIBIT MISREPRESENTATIVE
COMMERCIAL E-MAILS**

House Bill 5777
Sponsor: Rep. Marc Shulman
Committee: Commerce

Complete to 4-12-02

A SUMMARY OF HOUSE BILL 5777 AS INTRODUCED 3-7-02

House Bill 5777 would amend the Michigan Consumer Protection Act to prohibit, as an unfair, unconscionable, or deceptive method, act, or practice in the conduct of trade or commerce, the transmission of, or assistance in the transmission of, certain misrepresentative or misleading commercial electronic mail (e-mail) messages. Under the bill, a person could not initiate the transmission, or conspire with another to initiate the transmission, of a commercial e-mail message, either from a computer located in the state or to an e-mail address that the sender knew or had reason to know was held by a resident of the state, if the e-mail message did either of the following:

- used a third party's Internet domain name without permission of the third party, or otherwise misrepresented or obscured any information identifying the point of origin or the transmission path of a commercial e-mail message; or
- contained false or misleading information in the subject line.

Also, a person could not assist in the transmission of a commercial e-mail message if the person knew or consciously avoided knowing that the initiator of the commercial e-mail message was engaged or intended to engage in an act or practice that violated any provision of the act. (A person would be considered to "know" that the intended recipient of a commercial e-mail message was a resident of the state if the information was available, upon request, from the registrant of the Internet domain name contained in the recipient's e-mail address.)

An interactive computer service could, upon its own initiative, block the receipt or transmission through its service of a commercial e-mail message that it reasonably believed was being or would be sent in violation of the added prohibitions. The service could not be held liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of such messages.

Analyst: J. Caver

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.