



AN ACT CONCERNING UNSOLICITED ELECTRONIC MAIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-570c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) No person shall use a machine that electronically transmits
4 facsimiles through connection with a telephone network or a device
5 that automatically transmits a recorded telephone message to transmit
6 unsolicited advertising material or an unsolicited telephone message
7 which offers to sell goods or services.

8 (b) (1) No person shall send unsolicited advertising material by
9 electronic mail, or cause such material to be sent by electronic mail, to
10 an electronic mail address that the sender knows, or has reason to
11 know, is held by a resident of this state unless: (A) Such person
12 identifies in the electronic mail a toll-free telephone number or a valid
13 return electronic mail address that the recipient may use to notify the
14 sender to not send any further unsolicited electronic mail, and (B) the
15 subject line includes the letters "ADV".

16 (2) Notwithstanding the provisions of subdivision (1) of this
17 subsection, no person or entity shall send by electronic mail, or cause
18 to be sent by electronic mail, unsolicited advertising material upon
19 notification by a recipient of such recipient's request to not receive any

20 further such material.

21 (3) For purposes of this subsection, "person" does not include an
22 electronic mail service provider, as defined in section 53-451.

23 (4) For the purposes of this subsection, a person knows or has
24 reason to know that the intended recipient of electronic mail is a
25 resident of this state if that information is available, upon request, from
26 the registrant of the Internet domain name contained in the intended
27 recipient's electronic mail address.

28 [(b)] (c) Any person aggrieved by a violation of the provisions of
29 [subsection (a) of] this section may bring a civil action in the Superior
30 Court to enjoin further violations and to recover the actual damages
31 sustained by reason of such violation, together with costs and a
32 reasonable attorney's fee, or [two] five hundred dollars, whichever is
33 greater. No such action shall be brought but within two years from the
34 date of the act complained of.

35 (d) The Attorney General may bring an action in the Superior Court
36 against any person engaged in a pattern or practice that violates the
37 provisions of this section and may recover a civil penalty of not more
38 than one thousand dollars per violation. As used in this subsection,
39 "pattern or practice" means two or more separate and distinct
40 violations of this section within a one-month period.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

GL *Joint Favorable Subst.*