

FILED FEB 17 '03

JUDICIARY

SENATE FILE

2125

BY BOLKCOM and BEALL

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to civil damages recoverable against a person who
2 sends certain electronic mail transmissions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2125
JUDICIARY

1 Section 1. Section 714E.1, subsection 3, paragraph a,
2 subparagraph (2), Code 2003, is amended to read as follows:

3 (2) Notwithstanding subparagraph (1), a person who
4 transmits or causes to be transmitted electronic mail in
5 violation of subsection 2 is liable to the recipient of the
6 electronic mail for monetary damages in an amount equal to any
7 actual damages, including lost profits, caused by such
8 transmittal. The recipient, in lieu of actual damages, may
9 elect to recover from the person transmitting or causing to be
10 transmitted such electronic mail the greater of ten dollars
11 for each bulk electronic mail message transmitted to the
12 recipient in violation of this section, or five-hundred one
13 thousand dollars. In addition to the monetary damages, the
14 recipient is also entitled to costs and reasonable attorney
15 fees.

16 EXPLANATION

17 This bill relates to civil damages recoverable against a
18 person who sends certain electronic mail transmissions,
19 commonly referred to as E-mail.

20 Under the bill, a person who sends bulk electronic mail in
21 violation of Code chapter 714E.1, subsection 2, is liable to
22 the recipient in the amount of \$10 for each bulk electronic
23 mail message sent or \$1,000, whichever is greater. Current
24 law provides that a person sending the bulk electronic mail
25 transmission is liable in the amount of \$10 for each bulk
26 electronic transmission sent to the recipient or \$500,
27 whichever is greater.

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