

2011 -- H 5464

LC01178

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
INTERNET ACCESS AND ADVERTISING BY FACSIMILE

Introduced By: Representatives Trillo, Reilly, and Lima

Date Introduced: March 02, 2011

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 6-47 of the General Laws entitled "Internet Access and Advertising
2 by Facsimile" is hereby amended by adding thereto the following section:

3 **6-47-2.1. Unsolicited computer advertisements.** – (a) No person or entity may initiate
4 the transmission to a Rhode Island computer of a commercial electronic message coded so as to
5 prevent its immediate and permanent deletion.

6 (b) The recipient of an unsolicited message, transmitted in violation of subsection (a) of
7 this section, may bring a civil action in superior court against the person or entity that transmitted
8 the unsolicited message or caused it to be transmitted in violation of subsection (a). Any
9 transmission of an unsolicited message in violation of subsection (a) shall be considered a
10 violation of chapter 6-13.1, known as the Deceptive Trade Practices Act, and may subject the
11 person or entity that transmitted, or caused to be transmitted, the unsolicited message to
12 prosecution by the attorney general pursuant to chapter 6-13.1. In any such action by either the
13 recipient of such unsolicited message or the attorney general on behalf of the recipient or
14 recipients, damages may be awarded in the amount of five thousand dollars (\$5000) for each
15 violation, not to exceed a total of fifty thousand dollars (\$50,000). The attorney general may, in
16 such circumstances as he or she may deem appropriate, aggregate multiple claims against a
17 person or entity alleged to have committed multiple violations of this section, and maintain a
18 class action on behalf of all recipients of the unsolicited faxes. In any action brought under this

1 section, the court may award, in addition to the relief provided in this section, reasonable
2 attorneys' fees and costs.

3 SECTION 2. This act shall take effect upon passage.

=====
LC01178
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
INTERNET ACCESS AND ADVERTISING BY FACSIMILE

- 1 This act would prohibit the sending to a Rhode Island computer a commercial electronic
- 2 message coded so as to prevent its immediate and permanent deletion.
- 3 This act would take effect upon passage.

=====
LC01178
=====