

1998 SESSION

INTRODUCED

988104324

HOUSE BILL NO. 1325

Offered January 26, 1998

A BILL to amend and reenact § 59.1-444 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 35 of Title 59.1 a section numbered 59.1-442.1, relating to the Personal Privacy Information Act; sale or release of certain electronic information prohibited; damages.

Patrons—Marshall and O'Brien

Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-444 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Chapter 35 of Title 59.1 a section numbered 59.1-442.1, as follows:

§ 59.1-442.1. No provider of electronic mail or message services shall sell or otherwise release the names or electronic mail or message addresses of any subscriber without the prior consent of the subscriber. In conjunction with a request for consent, a provider shall determine those types or categories of unsolicited electronic mail or messages the subscriber does not wish to receive, including but not limited to sexual or pornographic information, get-rich-quick schemes, and sales promotions and advertisements.

§ 59.1-444. Damages.

Any merchant or provider of electronic mail or message services who violates the provisions of this chapter shall be liable for damages in the amount of \$100, payable to the purchaser whose personal information was sold or otherwise disclosed, rented or exchanged in violation of this chapter. In addition, such purchaser may recover reasonable attorney's fees and costs. Actions under this section shall be brought in the general district court for the city or county in which the transaction which gave rise to the action occurred.

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