

Amend HB 1282 by striking page 6, line 23, through page 7, line 8, and substituting the following:

Sec. 46.011. IMMUNITY FROM LIABILITY. (a) In this section, "telecommunications utility" has the meaning assigned by Section 51.002, Utilities Code.

(b) A telecommunications utility or an electronic mail service provider may not be held liable under Section 46.002 or 46.003 and is not subject to the penalties provided under this chapter.

(c) A person injured by a violation of this chapter does not have a cause of action against a telecommunications utility or an electronic mail service provider under this chapter solely because the utility or provider:

(1) is an intermediary between the sender, or any person acting on behalf of the sender, and the recipient in the transmission of electronic mail that violates this chapter;

(2) provides transmission, routing, relaying, handling, or storing, through an automatic technical process, of an unsolicited commercial electronic mail message through the utility's or provider's computer network or facilities; or

(3) provides telecommunications services, information services, or other services used in the transmission of an electronic mail message that violates this chapter.

(d) An electronic mail service provider may not be held liable for an action taken in good faith under Section 46.010.