

By: Giddings

H.B. No. 3173

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the transmission of an unsolicited commercial
3 electronic mail message.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 48.054 and 48.055, Business & Commerce
6 Code, are amended to read as follows:

7 Sec. 48.054. KNOWING VIOLATION. A person knowingly
8 violates Section 48.051, 48.052, [~~or~~] 48.053, or 48.055(b) if the
9 person:

10 (1) acts with actual knowledge of the facts that
11 constitute the violation; or

12 (2) consciously avoids information that would
13 establish actual knowledge of those facts.

14 Sec. 48.055. OTHER PROHIBITED CONDUCT. (a) If a person is
15 not the owner or operator of the computer, the person may not:

16 (1) induce the owner or operator of a computer in this
17 state to install a computer software component to the computer by
18 intentionally misrepresenting the extent to which the installation
19 is necessary for security or privacy reasons, to open or view text,
20 or to play a particular type of musical or other content; or

21 (2) copy and execute or cause the copying and
22 execution of a computer software component to a computer in this
23 state in a deceptive manner with the intent of causing the owner or
24 operator of the computer to use the component in a manner that

1 violates this chapter.

2 (b) If a person is not the owner or operator of the computer,
3 the person may not knowingly cause computer software to be copied to
4 a computer in this state and use the software to send an unsolicited
5 commercial electronic mail message, as defined by Section 46.001.

6 SECTION 2. The changes in law made by this Act apply only to
7 conduct that occurs on or after the effective date of this Act.
8 Conduct that occurs before the effective date of this Act is
9 governed by the law in effect at the time the conduct occurred, and
10 that law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2007.