

HB 1331 -- No-Mail List for Businesses

Sponsor: Baker (25)

This bill requires the Secretary of State to establish and operate a no-mail database by July 1, 2007. The database must contain a list of businesses that do not want to receive mailed solicitations. The Secretary of State can use money appropriated from general revenue or money in the Technology Trust Fund for this purpose. Businesses will not be charged a fee to be listed in the no-mail database.

The Attorney General may initiate proceedings against entities who violate the no-mail list. Civil penalties of up to \$5,000 for each violation may be levied. Participants who believe this law has been violated can also bring an action to end the violations or to recover monetary damages in the amount of actual losses arising from the violation or up to \$5,000 in damages for each violation, whichever is greater. Participants must bring an action within two years of the violation.

"Bulk business information" is defined as any information businesses are required to submit in filings to the Secretary of State which can then be obtained through an authorized computer account in any bulk or multiple-listing database.

"Mail solicitation" is defined as any written or printed communication sent, delivered, and/or received by the United States mail service for the purpose of encouraging the purchase or rental of property, goods, or services. It does not include communications:

- (1) Sent with the participant's prior approval;
- (2) Sent by a person or entity with whom the participant has a current business relationship or had business contact with during the last 180 days;
- (3) Sent by a 501(c)(3) organization if done while the organization is engaged in fundraising to support its cause; or
- (4) Sent by a person responding to a referral or working from his or her primary residence or a person who is attempting to carry out a trade or set an appointment to do so.