

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1966/1dn
RNK:cmh:km

April 1, 1999

1. Your instructions for this draft were to prohibit unsolicited electronic mail advertisements as they are prohibited under Nevada law. You also requested the incorporation of certain provisions under California law. The resulting draft reflects my understanding of how you want these provisions to work together, but please review this draft carefully to make sure that it meets your intent.

2. Under this draft, unsolicited electronic mail must contain a statement that it is for the purpose of encouraging the recipient to purchase property, goods or services, must contain certain information about the solicitor and must tell the recipient how he or she can discontinue receiving the solicitations. If the electronic mail was, in fact, solicited by the recipient, these statements and other information need not be included in the electronic mail. Is this consistent with your intent?

3. The civil damages provisions in this draft are taken from the Nevada law, except that, unlike Nevada law, the draft also makes a solicitor liable for damages if the solicitor continues to send solicitations after being requested not to do so. Also, please note that the draft does not provide for the recovery of a forfeiture against a solicitor who sends unsolicited electronic mail in violation of the prohibitions created in the draft. Is this consistent with your intent?

4. You may wish to consider including a delayed effective date provision to give advertisers sufficient time to comply with the requirements created in the draft.

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