

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1067 Session of
2004

INTRODUCED BY CONTI, LOGAN AND SCHWARTZ, MARCH 24, 2004

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MARCH 24, 2004

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," defining "electronic mail service provider" and
7 "internet service provider."

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of December 17, 1968
11 (P.L.1224, No.387), known as the Unfair Trade Practices and
12 Consumer Protection Law, reenacted and amended November 24, 1976
13 (P.L.1166, No.260), is amended by adding clauses to read:

14 Section 2. Definitions.--As used in this act.

15 * * *

16 (1.1) "Electronic mail service provider" means a person who
17 is an intermediary in sending or receiving electronic mail or
18 who provides to end users of electronic mail services the
19 ability to send or receive electronic mail.

20 (1.2) "Internet service provider" means a person who

1 furnishes a service that enables users to access content,
2 information, electronic mail or other services offered over the
3 Internet.

4 * * *

5 Section 2. Section 3 of the act, amended December 4, 1996
6 (P.L.906, No.146), is amended to read:

7 Section 3. Unlawful Acts or Practices; Exclusions.--Unfair
8 methods of competition and unfair or deceptive acts or practices
9 in the conduct of any trade or commerce as defined by subclauses
10 (i) through (xxi) of clause (4) of section 2 of this act and
11 regulations promulgated under section 3.1 of this act are hereby
12 declared unlawful. The provisions of this act shall not apply to
13 any owner, agent or employe of any radio or television station,
14 or to any owner, publisher, printer, agent or employe of an
15 Internet service provider or a newspaper or other publication,
16 periodical or circular, who, in good faith and without knowledge
17 of the falsity or deceptive character thereof, publishes, causes
18 to be published or takes part in the publication of such
19 advertisement.

20 Section 3. This act shall take effect in 60 days.