

NetChoice *Promoting Convenience, Choice, and Commerce on The Net*

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Delegate Gregory D. Habeeb
Chair, Civil Law Subcommittee
General Assembly Building
Richmond, Virginia 23219

Re: Opposition to HB 325 – *Unlawful Use of electronic communications*

Dear Chairman Habeeb and members of the Subcommittee:

We write to oppose HB 325 because it creates lawsuit risks for email providers who block spam and computer viruses, and because it could force websites to charge for otherwise free content and online services.

HB 325 creates a lawsuit risk for services that block spam and viruses for Virginia Internet users.

Internet Service Providers (ISPs) like Cox, ATT, and Verizon now scan incoming emails to block Spam and viruses. As do email providers like AOL, Microsoft, and Google. These actions have spared Virginians from unwanted spam, known scams, and saved our computers from destructive viruses.

But to block these bad effects, ISPs and email providers “monitor” and “examine” email messages, actions that would become grounds for lawsuits under HB 325. If you pass HB 325, ISPs and email providers would risk expensive lawsuits just for providing spam and virus monitoring.

HB 325 could force free websites and services to start charging, to increase the number of ads.

Advertising is why the most popular online services are free for Virginia Internet users today. And advertising works best when websites match ads to users’ interests. But HB 325 creates the risk of lawsuits when advertisers learn and retain users’ interests – even interests that aren’t linked to a person’s identity, such as a user’s frequent viewing of sports and political articles. Under HB 325’s unprecedented limits on website advertising, Virginians could be asked to pay for today’s free sites, face far more ads, or enjoy less new content, services, and innovation.

HB 325 would undermine Virginia’s leadership in fostering Internet innovation

Virginia has earned its stature as the #1 state for business and an incubator for Internet innovation. But HB 325 would endanger that status for the Commonwealth.

We ask that you oppose HB 325. Instead, Virginia should look to existing laws and regulations to protect consumers while continuing to foster innovation, investment, and jobs.

We’re happy to provide specifics and answer questions you may have.

Sincerely,

Steve DelBianco
Executive Director, NetChoice

cc: Members of the House Courts of Justice Civil Law subcommittee

NetChoice is a coalition of e-Commerce businesses. Learn more about NetChoice at www.netchoice.org