

## **Part 2 Phishing and Pharming**

### **13-40-201 Phishing and pharming.**

- (1) A person is guilty of phishing if, with intent to defraud or injure an individual, or with knowledge that the person is facilitating a fraud or injury to be perpetrated by another:
  - (a) the person makes a communication under false pretenses purporting to be by or on behalf of a legitimate business, without the authority or approval of the legitimate business; and
  - (b) the person uses the communication to induce, request, or solicit another person to provide identifying information or property.
- (2) A person is guilty of pharming if, with intent to defraud or injure another, or with knowledge that the person is facilitating a fraud or injury to be perpetrated by another, the person:
  - (a) creates or operates a webpage that represents itself as belonging to or being associated with a legitimate business, without the authority or approval of the legitimate business, if that webpage may induce any user of the Internet to provide identifying information or property; or
  - (b) alters a setting on a user's computer or similar device or software program through which the user may search the Internet, causing any user of the Internet to view a communication that represents itself as belonging to or being associated with a legitimate business, if the message has been created or is operated without the authority or approval of the legitimate business and induces, requests, or solicits any user of the Internet to provide identifying information or property.

Repealed and Re-enacted by Chapter 200, 2010 General Session

### **13-40-202 Removal of domain name or content -- Liability.**

If an Internet registrar or Internet service provider believes in good faith that an Internet domain name controlled or operated by the Internet registrar or Internet service provider, or content residing on an Internet website or other online location controlled or operated by the Internet registrar or Internet service provider, is used to engage in a violation of this part, the Internet registrar or Internet service provider is not liable under any provision of the laws of this state or of any political subdivision of the state for removing or disabling access to the Internet domain name or other content.

Repealed and Re-enacted by Chapter 200, 2010 General Session

### **13-40-203 Application of part.**

- (1) This part applies to the discovery of a phishing or pharming incident that occurs on or after July 1, 2010.
- (2) This part does not apply to a telecommunications provider's or Internet service provider's good faith transmission or routing of, or intermediate temporary storing or caching of, identifying information.

Enacted by Chapter 200, 2010 General Session

### **13-40-204 Relation to other law.**

The conduct prohibited by this part is of statewide concern, and this part's provisions supersede and preempt any provision of law of a political subdivision of the state.

Enacted by Chapter 200, 2010 General Session