

S.B. 26
UTAH E-COMMERCE INTEGRITY ACT

Senator **Stephen H. Urquhart** proposes the following amendments:

1. *Page 1, Lines 14 through 27:*

14 This bill:

* * * *Some lines not shown* * * *

- 15 ▶ defines terms;
- 16 ▶ prohibits a person from facilitating certain types of fraud and injury through use of
- 17 electronic communications;
- 18 ▶ allows for the removal of domain names and online content by an Internet registrar
- 19 or Internet service provider under certain circumstances;
- 20 ▶ prohibits contrary laws enacted by a political subdivision of the state;
- 21 ▶ forbids the use of various types of software, commonly called spyware, if used for
- 22 certain purposes;
- 23 ▶ provides exceptions from spyware provisions for various types of communications
- 24 and interactions, including authorized diagnostics;
- 25 { ~~→ provides penalties, both criminal and civil, for violations of the bill's provisions;~~ }
- 26 ▶ prohibits the registration of domain names under certain circumstances, commonly
- 27 referred to as cybersquatting;

2. *Page 10, Lines 289 through 303:*

289 13-40-401. Phishing and pharming violations.

290 (1) { ~~A person who violates Part 2, Phishing and Pharming, is guilty of a third degree~~

291 ~~felony.~~

292 ~~(2)~~ A civil action against a person who violates any provision of Part 2, Phishing and

293 Pharming, may be filed by:

294 (a) an Internet service provider that is adversely affected by the violation;

295 (b) an owner of a webpage, computer server, or a trademark that is used without

296 authorization in the violation; or

297 (c) the attorney general.

298 { ~~(3)~~ } ~~(2)~~ A person permitted to bring a civil action under Subsection (2) may obtain either

299 actual damages for a violation of this chapter or a civil penalty not to exceed \$150,000 per

300 violation of Part 2, Phishing and Pharming.

301 { ~~(4)~~ } ~~(3)~~ A violation of Part 2, Phishing and Pharming, by a state-chartered or licensed

302 financial institution is enforceable exclusively by the financial institution's primary state

303 regulator.