

**WIRELESS INTERNET ACCESS
REQUIREMENTS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the sale of devices capable of wirelessly accessing the Internet and the maintenance of a public wireless network.

Highlighted Provisions:

This bill:

- ▶ makes it a violation of Title 13, Chapter 11, Utah Consumer Sales Practices Act, to sell a device capable of wirelessly accessing the Internet without labeling the device to reflect that fact;
- ▶ defines terms;
- ▶ requires a person maintaining a public wireless network to attempt to restrict access to a minor;
- ▶ provides for a civil penalty against a person who does not restrict access to a public wireless network if a minor accesses material harmful to minors through that network; and
- ▶ provides for enforcement by the Division of Consumer Protection.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 **13-11-24**, Utah Code Annotated 1953

31 **13-46-101**, Utah Code Annotated 1953

32 **13-46-102**, Utah Code Annotated 1953

33 **13-46-201**, Utah Code Annotated 1953

34 **13-46-301**, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **13-11-24** is enacted to read:

38 **13-11-24. Labeling wireless devices.**

39 It is a violation of this chapter for a retailer to sell a device that is capable of wirelessly
40 accessing the Internet without the device or the device's retail packaging being labeled with a
41 notice that the device is capable of wirelessly accessing the Internet.

42 Section 2. Section **13-46-101** is enacted to read:

43 **CHAPTER 46. WIRELESS INTERNET ACCESS ACT**

44 **Part 1. General Provisions**

45 **13-46-101. Title.**

46 This chapter is known as the "Wireless Internet Access Act."

47 Section 3. Section **13-46-102** is enacted to read:

48 **13-46-102. Definitions.**

49 As used in this chapter:

50 (1) "Communication" means the transmission of data using Internet Protocol or
51 Transmission Control Protocol, or a successor protocol for transmitting Internet content.

52 (2) "Harmful to minors" is as defined in Section 76-10-1201.

53 (3) "Minor" means a person who is under the age of 17.

54 (4) "Restrict access" means to use a reasonable method for ascertaining the age of a
55 person using wireless Internet access or preventing the display of material harmful to minors
56 over the wireless local area network, including:

57 (a) visually inspecting a government-issued identification document; or

58 (b) requiring the provision of a valid credit card number.

59 (5) "Wireless Internet access" means wireless access allowing the user to receive
60 Internet communication.

61 Section 4. Section 13-46-201 is enacted to read:

62 **Part 2. Public Access to Wireless Network**

63 **13-46-201. Restricting access to wireless network.**

64 (1) A person may not provide wireless Internet access to the public unless the person
65 restricts access to prevent a minor from accessing material harmful to minors.

66 (2) A person who fails to utilize measures designed to restrict access to prevent a minor
67 from accessing material harmful to minors violates this chapter if a minor accesses material
68 harmful to minors.

69 (3) This section does not apply to a person who maintains a wireless network within
70 the person's private residence to provide personal wireless Internet access.

71 Section 5. Section 13-46-301 is enacted to read:

72 **Part 3. Enforcement**

73 **13-46-301. Civil penalty.**

74 (1) A person who violates this chapter is subject to a civil fine not to exceed \$1,000 for
75 each violation of this chapter and \$25,000 in the aggregate.

76 (2) The Division of Consumer Protection shall enforce this chapter.

Legislative Review Note
as of 1-21-08 7:28 AM

Office of Legislative Research and General Counsel

H.B. 139 - Wireless Internet Access Requirements

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. Businesses may be subject to additional penalties if they are found out of compliance with the proposed statute.
