

Senator Todd Weiler proposes the following substitute bill:

INTERNET SERVICE PROVIDER FILTERING

COMPILATION

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill amends provisions related to an Internet service provider's compliance with a filtering requirement.

Highlighted Provisions:

This bill:

- requires the Division of Consumer Protection to ~~§~~ **[annually]** ~~§~~ request information from an Internet service provider on how the provider complies with an existing filtering requirement;

- requires the Division of Consumer Protection to publish and ~~§~~ **[annually]** ~~§~~ update a compilation of information from Internet service providers;

- repeals outdated provisions related to Internet service provider notifications; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **76-10-1231**, as last amended by Laws of Utah 2018, Chapter 164

28

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

30 Section 1. Section **76-10-1231** is amended to read:

31 **76-10-1231. Data service providers -- Internet content harmful to minors.**

32 (1) (a) Upon request by a consumer, a service provider shall filter content to prevent
33 the transmission of material harmful to minors to the consumer.

34 (b) A service provider complies with Subsection (1)(a) if the service provider makes a
35 good faith effort to apply a generally accepted and commercially reasonable method of
36 filtering.

37 ~~[(2)(a)]~~ (c) At the time of a consumer's subscription to a service provider's service, the
38 service provider shall notify the consumer in a conspicuous manner that the consumer may
39 request to have material harmful to minors blocked under Subsection (1)(a).

40 ~~[(b) (i) A service provider shall, before December 30, 2018, notify in a conspicuous
41 manner all of the service provider's consumers with a Utah residential address that the
42 consumer may request material harmful to minors be blocked under Subsection (1)(a).]~~

43 ~~[(ii) A service provider may provide the notice described in Subsection (2)(b)(i):]~~

44 ~~[(A) by electronic communication;]~~

45 ~~[(B) with a consumer's bill; or]~~

46 ~~[(C) in another conspicuous manner.]~~

47 ~~[(c) Before December 31, 2018, a service provider shall:]~~

48 ~~[(i) notify the Division of Consumer Protection within the Department of Commerce
49 that notice was sent under Subsection (2)(b); and]~~

50 ~~[(ii) provide the Division of Consumer Protection within the Department of Commerce
51 a copy of the notice that was sent under Subsection (2)(b).]~~

52 ~~[(d)]~~ (2) The Division of Consumer Protection within the Department of Commerce
53 shall ~~[report all violations of Subsections (2)(b) and (c) to the attorney general.]:~~

54 (a) ~~§~~ → annually **every other year** ← ~~§~~ request from each service provider information on
54a how the service

55 provider complies with Subsection (1)(a);

56 (b) publish on the division's website a compilation of the information the division

57 receives under Subsection (2)(a); and

58 (c) ~~Ŝ~~ → [annually] ← ~~Ŝ~~ update the compilation described in Subsection (2)(b) Ŝ → every
58a other year ← ~~Ŝ~~ .

59 (3) (a) A service provider may comply with Subsection (1)(a) by providing in-network
60 filtering to prevent receipt of material harmful to minors, provided that the filtering does not
61 affect or interfere with access to Internet content for consumers who do not request filtering
62 under Subsection (1)(a).

63 (b) A service provider may comply with Subsection (1)(a) by engaging a third party to
64 provide or referring a consumer to a third party that provides a commercially reasonable
65 method of filtering to block the receipt of material harmful to minors.

66 (c) A service provider may charge a consumer a commercially reasonable fee for
67 providing filtering under this Subsection (3).

68 (4) If the attorney general determines that a service provider violates Subsection (1) [~~or~~
69 ~~(2)~~], the attorney general shall:

70 (a) notify the service provider that the service provider is in violation of Subsection (1)
71 [~~or (2)~~]; and

72 (b) notify the service provider that the service provider has 90 days to comply with the
73 provision being violated or be subject to Subsection (5).

74 (5) (a) A service provider that intentionally or knowingly violates Subsection (1)(a) is
75 subject to a civil fine of \$2,500 for each separate violation of Subsection (1)(a), up to \$15,000
76 per day.

77 (b) A service provider that intentionally or knowingly violates Subsection [~~(2)~~] (1)(c) is
78 subject to a civil fine up to \$10,000.

79 (6) A proceeding to impose a civil fine under Subsection (5) may only be brought by
80 the attorney general in a court of competent jurisdiction.