

**INTERNET SERVICE PROVIDER FILTERING  
COMPILATION**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires certain reports related to an Internet service provider's compliance with a filtering requirement.

**Highlighted Provisions:**

This bill:

- requires an Internet service provider to report to the Division of Consumer Protection on how the Internet service provider complies with an existing filtering requirement;
- requires the Division of Consumer Protection to publish and annually update a compilation of reports from Internet service providers; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

30 **76-10-1231. Data service providers -- Internet content harmful to minors.**

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

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

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

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

42 (ii) A service provider may provide the notice described in Subsection (2)(b)(i):

43 (A) by electronic communication;

44 (B) with a consumer's bill; or

45 (C) in another conspicuous manner.

46 (c) Before December 31, 2018, a service provider shall:

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

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

51 (d) A service provider shall annually report to the Division of Consumer Protection  
52 within the Department of Commerce on how the service provider complies with Subsection  
53 (1)(a).

54 [~~(e)~~] (e) The Division of Consumer Protection within the Department of Commerce  
55 shall:

56 (i) report all violations of Subsections (2)(b) [~~and~~], (c), and (d) to the attorney  
57 general[-];

58 (ii) publish on the division's website a compilation of the reports described in

59 Subsection (2)(d); and

60 (iii) annually update the compilation described in Subsection (2)(e)(ii).

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

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

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

70 (4) If the attorney general determines that a service provider violates Subsection (1) or  
71 (2), the attorney general shall:

72 (a) notify the service provider that the service provider is in violation of Subsection (1)  
73 or (2); and

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

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

79 (b) A service provider that intentionally or knowingly violates Subsection (2) is subject  
80 to a civil fine up to \$10,000.

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