

Representative Angela Romero proposes the following substitute bill:

ONLINE DATING SAFETY REQUIREMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill concerns online dating service safety requirements.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires certain safety notifications and disclosures by an online dating service provider;
- ▶ provides enforcement procedures and a penalty for a violation of the notifications and disclosures; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-2-1, as last amended by Laws of Utah 2021, Chapter 266

ENACTS:



- 26 [13-61-101](#), Utah Code Annotated 1953
- 27 [13-61-102](#), Utah Code Annotated 1953
- 28 [13-61-103](#), Utah Code Annotated 1953
- 29 [13-61-104](#), Utah Code Annotated 1953
- 30 [13-61-105](#), Utah Code Annotated 1953
- 31 [13-61-106](#), Utah Code Annotated 1953



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

34 Section 1. Section **13-2-1** is amended to read:

35 **13-2-1. Consumer protection division established -- Functions.**

36 (1) There is established within the Department of Commerce the Division of Consumer
37 Protection.

38 (2) The division shall administer and enforce the following:

- 39 (a) Chapter 5, Unfair Practices Act;
- 40 (b) Chapter 10a, Music Licensing Practices Act;
- 41 (c) Chapter 11, Utah Consumer Sales Practices Act;
- 42 (d) Chapter 15, Business Opportunity Disclosure Act;
- 43 (e) Chapter 20, New Motor Vehicle Warranties Act;
- 44 (f) Chapter 21, Credit Services Organizations Act;
- 45 (g) Chapter 22, Charitable Solicitations Act;
- 46 (h) Chapter 23, Health Spa Services Protection Act;
- 47 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 48 (j) Chapter 26, Telephone Fraud Prevention Act;
- 49 (k) Chapter 28, Prize Notices Regulation Act;
- 50 (l) Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;
- 51 (m) Chapter 34, Utah Postsecondary Proprietary School Act;
- 52 (n) Chapter 34a, Utah Postsecondary School State Authorization Act;
- 53 (o) Chapter 41, Price Controls During Emergencies Act;
- 54 (p) Chapter 42, Uniform Debt-Management Services Act;
- 55 (q) Chapter 49, Immigration Consultants Registration Act;
- 56 (r) Chapter 51, Transportation Network Company Registration Act;

- 57 (s) Chapter 52, Residential Solar Energy Disclosure Act;
- 58 (t) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 59 (u) Chapter 54, Ticket Website Sales Act;
- 60 (v) Chapter 56, Ticket Transferability Act; [~~and~~]
- 61 (w) Chapter 57, Maintenance Funding Practices Act[-]; and
- 62 (x) Chapter 61, Online Dating Safety Act.

63 Section 2. Section 13-61-101 is enacted to read:

64 **CHAPTER 61. ONLINE DATING SAFETY ACT**

65 **13-61-101. Definitions.**

66 As used in this chapter:

67 (1) "Banned member" means a member whose account or profile is the subject of a
68 fraud ban.

69 (2) "Division" means the Division of Consumer Protection in the Department of
70 Commerce.

71 (3) "Criminal background screening" means a name search for an individual's criminal
72 conviction and is conducted by searching:

73 (a) available and regularly updated government public record databases that in the
74 aggregate provide national coverage for criminal conviction records; or

75 (b) a regularly updated database with national coverage of criminal conviction records
76 and sexual offender registries maintained by a private vendor.

77 (4) (a) "Criminal conviction" means a conviction for a crime in this state, another state,
78 or under federal law.

79 (b) "Criminal conviction" includes an offense that would require registration under
80 Title 77, Chapter 41, Sex and Kidnap Offender Registry, or under a similar law in a different
81 jurisdiction.

82 (5) "Fraud ban" means the expulsion of a member from an online dating service
83 because, in the judgment of the online dating service provider, there is a significant risk the
84 member will attempt to obtain money from another member through fraudulent means.

85 (6) "Member" means an individual who submits to an online dating service provider
86 the information required by the online dating service provider to access the online dating
87 service provider's online dating service.

88 (7) "Online dating service" means a product or service that:
89 (a) is conducted through a website or a mobile application; and
90 (b) offers a member access to dating or romantic relationships with another member by
91 arranging or facilitating the social introduction of members.

92 (8) "Online dating service provider" means a person engaged in the business of
93 offering an online dating service.

94 (9) "Utah member" means a member who provides a Utah billing address or zip code
95 when registering with an online dating service provider.

96 Section 3. Section **13-61-102** is enacted to read:

97 **13-61-102. Applicability of chapter.**

98 This chapter does not apply to an Internet service provider serving as an intermediary
99 for a transmission of an electronic message between members of an online dating service
100 provider.

101 Section 4. Section **13-61-103** is enacted to read:

102 **13-61-103. Criminal background screening disclosures.**

103 (1) An online dating service provider that offers services to residents of this state and
104 does not conduct a criminal background screening on each member shall, before permitting a
105 Utah member to communicate through the online dating service provider with another member,
106 clearly and conspicuously disclose to the Utah member that the online dating service provider
107 does not conduct a criminal background screening on each member.

108 (2) An online dating service provider that offers services to residents of this state and
109 conducts a criminal background screening on each member shall, before permitting a Utah
110 member to communicate through the provider with another member, clearly and
111 conspicuously:

112 (a) disclose to the Utah member that the online dating service provider conducts a
113 criminal background screening on each member; and

114 (b) include on the online dating service provider's website or mobile application:

115 (i) a statement of whether the online dating service provider excludes from the online
116 dating service provider's online dating service an individual who is identified as having a
117 criminal conviction; and

118 (ii) a statement that a criminal background screening:

- 119 (A) may be inaccurate or incomplete;
120 (B) may give a member a false sense of security; and
121 (C) may be circumvented by an individual who has a criminal history.

122 Section 5. Section **13-61-104** is enacted to read:

123 **13-61-104. Safety awareness disclosures.**

124 (1) An online dating service provider that offers services to residents of this state shall
125 clearly and conspicuously provide a safety awareness notification to all Utah members that
126 includes a list of safety measures reasonably designed to increase awareness of safer online
127 dating practices and clear guidelines and resources for reporting crimes committed by an online
128 dating service member.

129 (2) (a) A safety awareness notification described in Subsection (1) shall:

130 (i) have a heading or headings substantially similar to:

131 (A) "Online Dating Safety Awareness";

132 (B) "Protecting Yourself from Sexual Assault and Dating Violence"; and

133 (C) "Protecting Yourself from Financial Crimes"; and

134 (ii) include information relevant to member safety awareness, including the following
135 information, which may be revised or updated to reflect current information and best safety
136 practices:

137 (A) an advisory that getting to know an individual through an online dating service
138 may be risky and a member should follow safety precautions when sharing information or
139 meeting in person;

140 (B) an advisory that a member should avoid sharing the member's last name, email
141 address, home address, phone number, place of work, social security number, details of the
142 member's daily routine, or other identifying information in the member's dating profile or
143 initial email messages or communications;

144 (C) an advisory that a member should stop communicating with an individual who
145 pressures the member for personal or financial information or attempts to trick the member into
146 revealing personal or financial information;

147 (D) an advisory that a member should not send money to an individual the member
148 meets on an online dating service, especially by wire transfer, even if the individual claims to
149 be experiencing an emergency;

150 (E) an advisory that if a member decides to meet another member in person, the
151 member should tell someone in the member's family or a friend where the member is going and
152 when the member is planning to return;

153 (F) an advisory that a member should provide the member's own transportation to and
154 from an in-person date and meet in a public place with many people around;

155 (G) an advisory that an individual may provide false information in a dating profile;

156 (H) a notice that a member should block and report to the online dating service a
157 member whose behavior is suspicious, offensive, harassing, threatening, fraudulent, or involves
158 a request for money or an attempt to sell a product or service;

159 (I) a request that if a member is the victim or survivor of sexual or intimate partner
160 violence or a financial crime through someone the member met on the online dating service,
161 the member should report the incident to the online dating service and to law enforcement;

162 (J) a notice that if a member is the victim or survivor of sexual or intimate partner
163 violence or a financial crime through someone the member met on the online dating service,
164 the member is not to blame and may seek support through national or local hotlines and
165 services; and

166 (K) an advisory that reporting criminal activity by another member may help prevent a
167 perpetrator of a rape, assault, or financial crime from hurting or continuing to hurt others, and
168 may be necessary for an online dating service to take responsive action against the member
169 who perpetrated the crime.

170 (b) (i) An online dating service provider shall provide a clear and conspicuous method
171 for a Utah member to contact the online dating service provider to report a member who
172 engages in an act of sexual or intimate partner violence or a financial crime.

173 (ii) An online dating service provider shall include the information described in
174 Subsection (2)(b)(i) in the safety awareness notification described in Subsection (1).

175 (3) An online dating service provider that provides the notification required under this
176 section shall give the notification at the time a Utah member registers with the online dating
177 service provider and by way of a link on the online dating service provider's main website or
178 mobile application.

179 Section 6. Section **13-61-105** is enacted to read:

180 **13-61-105. Fraud ban notification.**

181 (1) An online dating service provider shall provide to a Utah member a fraud ban
182 notification if the Utah member has received and responded to a message from a banned
183 member.

184 (2) A fraud ban notification under Subsection (1) shall include:

185 (a) the banned member's username, identification number, or other profile identifier;

186 (b) a statement that the banned member may have been using a false identity or
187 attempting to defraud members;

188 (c) a statement that a member should not send money or personal financial information
189 to another member; and

190 (d) an online link to information regarding ways to avoid online fraud or being
191 defrauded by a member of an online dating service.

192 (3) A fraud ban notification under Subsection (1) shall be:

193 (a) clear and conspicuous;

194 (b) sent by email, text message, or other appropriate means of communication
195 consented to by the Utah member; and

196 (c) (i) except as provided in Subsection (3)(c)(ii), sent within 24 hours after a fraud ban
197 is initiated against a banned member; or

198 (ii) sent within three days after the day on which a fraud ban is initiated against a
199 banned member if, in the judgment of the online dating service provider, the circumstances
200 require the fraud ban notification be sent after the 24-hour period.

201 (4) (a) Except as provided in Section [13-61-106](#), an online dating service provider or
202 an online dating service provider's employees and agents who are acting in good faith and in
203 compliance with this section are not liable to a person based on:

204 (i) the means of communication used to issue a fraud ban notification to a Utah
205 member under this section;

206 (ii) the timing of a fraud ban notification sent to a Utah member under this section; or

207 (iii) the disclosure of information in a fraud ban notification under this section,
208 including:

209 (A) information that a member is a banned member or the subject of a fraud ban;

210 (B) the banned member's username, identification number, or other profile identifier;

211 or

212 (C) the reason that the online dating service provider initiated the fraud ban of the
213 banned member.

214 (b) This section does not create a private right of action or diminish or adversely affect
215 protections for an online dating service provider under 47 U.S.C. Sec. 230.

216 Section 7. Section **13-61-106** is enacted to read:

217 **13-61-106. Violation -- Enforcement.**

218 (1) (a) The division may enforce the provisions of this chapter in accordance with
219 Chapter 2, Division of Consumer Protection.

220 (b) In addition to the division's enforcement powers under Subsection (1)(a), a
221 municipal, county, or state prosecuting authority may enforce this chapter through a civil action
222 if the prosecuting authority ~~H→ [has jurisdiction over]~~ **is screening or prosecuting** ←H a criminal
222a matter based on sexual or intimate
223 partner violence or a financial crime perpetrated against a Utah member by an individual the
224 Utah member met on an online dating service.

225 (2) (a) An online dating service provider that violates this chapter is, in addition to any
226 other penalties established by law, liable for:

227 (i) a civil penalty not to exceed \$250 for each Utah member at the time of the violation;
228 and

229 (ii) filing fees and reasonable attorney fees.

230 (b) A court shall enjoin an online dating service provider who violates this chapter
231 from an additional violation of this chapter.

232 Section 8. **Effective date.**

233 This bill takes effect on January 1, 2023.