

ONLINE DATING SAFETY REQUIREMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: _____

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:

ENACTS:

- 13-61-101**, Utah Code Annotated 1953
- 13-61-102**, Utah Code Annotated 1953
- 13-61-103**, Utah Code Annotated 1953
- 13-61-104**, Utah Code Annotated 1953



28 13-61-105, Utah Code Annotated 1953



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

31 Section 1. Section **13-61-101** is enacted to read:

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

33 **13-61-101. Definitions.**

34 As used in this chapter:

35 (1) "Criminal background screening" means a name search for an individual's criminal
36 conviction and is conducted by searching:

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

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

41 (2) (a) "Criminal conviction" means a conviction for a crime in this state, another state,
42 or under federal law.

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

46 (3) "Member" means an individual who submits to an online dating service provider
47 the information required by the online dating service provider to access the online dating
48 service provider's online dating service.

49 (4) "Online dating service" means a product or service that:

50 (a) is conducted through a website or a mobile application; and

51 (b) offers a member access to dating or romantic relationships with another member by
52 arranging or facilitating the social introduction of members.

53 (5) "Online dating service provider" means a person engaged in the business of
54 offering an online dating service.

55 (6) "Utah member" means a member who provides a Utah billing address or zip code
56 when registering with an online dating service provider.

57 Section 2. Section **13-61-102** is enacted to read:

58 **13-61-102. Applicability of chapter.**

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

62 Section 3. Section **13-61-103** is enacted to read:

63 **13-61-103. Criminal background screening disclosures.**

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

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

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

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

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

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

80 (A) may be inaccurate or incomplete;

81 (B) may give a member a false sense of security; and

82 (C) may be circumvented by an individual who has a criminal history.

83 Section 4. Section **13-61-104** is enacted to read:

84 **13-61-104. Safety awareness disclosures.**

85 (1) An online dating service provider that offers services to residents of this state shall
86 clearly and conspicuously provide a safety awareness notification to all Utah members that
87 includes a list of safety measures reasonably designed to increase awareness of safer online
88 dating practices.

89 (2) A safety awareness notification described in Subsection (1) shall include the

90 following statements or substantially similar statements:

91 (a) "There is no substitute for acting with caution when communicating with a stranger
92 who wants to meet you.";

93 (b) "Never include your last name, email address, home address, phone number, place
94 of work, or any other identifying information in your Internet profile or initial email messages
95 or communications. Stop communicating with anyone who pressures you for personal or
96 financial information or attempts in any way to trick you into revealing it.";

97 (c) "If you choose to have a face-to-face meeting with another person, always tell
98 someone in your family or a friend where you are going and when you will return. Never agree
99 to be picked up at your home. Always provide your own transportation to and from your date
100 and meet in a public place with many people around."; and

101 (d) "Anyone who is able to commit identity theft can also falsify a dating profile."

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

106 Section 5. Section **13-61-105** is enacted to read:

107 **13-61-105. Violation -- Enforcement.**

108 (1) A civil action for a violation of this chapter may be brought:

109 (a) in a court of competent jurisdiction; and

110 (b) by the attorney general's office.

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

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

114 and

115 (ii) filing fees and reasonable attorney fees.

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

118 Section 6. **Effective date.**

119 This bill takes effect on January 1, 2023.