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**ONLINE DATING SAFETY AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Angela Romero**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 7 absent

**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 (Effective 12/31/23)**, as last amended by Laws of Utah 2022, Chapters 201, 462



28 ENACTS:

29 **13-63-101**, Utah Code Annotated 1953

30 **13-63-102**, Utah Code Annotated 1953

31 **13-63-103**, Utah Code Annotated 1953

32 **13-63-104**, Utah Code Annotated 1953

33 **13-63-105**, Utah Code Annotated 1953

34 **13-63-106**, Utah Code Annotated 1953



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

37 Section 1. Section **13-2-1 (Effective 12/31/23)** is amended to read:

38 **13-2-1 (Effective 12/31/23). Consumer protection division established --**

39 **Functions.**

40 (1) There is established within the Department of Commerce the Division of Consumer  
41 Protection.

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

43 (a) Chapter 5, Unfair Practices Act;

44 (b) Chapter 10a, Music Licensing Practices Act;

45 (c) Chapter 11, Utah Consumer Sales Practices Act;

46 (d) Chapter 15, Business Opportunity Disclosure Act;

47 (e) Chapter 20, New Motor Vehicle Warranties Act;

48 (f) Chapter 21, Credit Services Organizations Act;

49 (g) Chapter 22, Charitable Solicitations Act;

50 (h) Chapter 23, Health Spa Services Protection Act;

51 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;

52 (j) Chapter 26, Telephone Fraud Prevention Act;

53 (k) Chapter 28, Prize Notices Regulation Act;

54 (l) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter

55 Transaction Information Act;

56 (m) Chapter 34, Utah Postsecondary Proprietary School Act;

57 (n) Chapter 34a, Utah Postsecondary School State Authorization Act;

58 (o) Chapter 41, Price Controls During Emergencies Act;

- 59 (p) Chapter 42, Uniform Debt-Management Services Act;
- 60 (q) Chapter 49, Immigration Consultants Registration Act;
- 61 (r) Chapter 51, Transportation Network Company Registration Act;
- 62 (s) Chapter 52, Residential Solar Energy Disclosure Act;
- 63 (t) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 64 (u) Chapter 54, Ticket Website Sales Act;
- 65 (v) Chapter 56, Ticket Transferability Act;
- 66 (w) Chapter 57, Maintenance Funding Practices Act; [~~and~~]
- 67 (x) Chapter 61, Utah Consumer Privacy Act[-]; and
- 68 (y) Chapter 63, Online Dating Safety Act.

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

70 **CHAPTER 63. ONLINE DATING SAFETY ACT**

71 **13-63-101. Definitions.**

72 As used in this chapter:

- 73 (1) "Banned member" means a member whose account or profile is the subject of a
- 74 fraud ban.
- 75 (2) "Criminal background screening" means a name search for an individual's criminal
- 76 conviction and is conducted by searching:
- 77 (a) available and regularly updated government public record databases that in the
- 78 aggregate provide national coverage for criminal conviction records; or
- 79 (b) a regularly updated database with national coverage of criminal conviction records
- 80 and sexual offender registries maintained by a private vendor.
- 81 (3) (a) "Criminal conviction" means a conviction for a crime in this state, another state,
- 82 or under federal law.
- 83 (b) "Criminal conviction" includes an offense that would require registration under
- 84 Title 77, Chapter 41, Sex and Kidnap Offender Registry, or under a similar law in a different
- 85 jurisdiction.
- 86 (4) "Division" means the Division of Consumer Protection in the Department of
- 87 Commerce.
- 88 (5) "Fraud ban" means the expulsion of a member from an online dating service
- 89 because, in the judgment of the online dating service provider, there is a significant risk the

90 member will attempt to obtain money from another member through fraudulent means.

91 (6) "Member" means an individual who submits to an online dating service provider  
92 the information required by the online dating service provider to access the online dating  
93 service provider's online dating service.

94 (7) "Online dating service" means a product or service that:

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

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

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

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

102 Section 3. Section **13-63-102** is enacted to read:

103 **13-63-102. Applicability of chapter.**

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

107 Section 4. Section **13-63-103** is enacted to read:

108 **13-63-103. Criminal background screening disclosures.**

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

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

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

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

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

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

125 (A) may be inaccurate or incomplete;

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

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

128 Section 5. Section **13-63-104** is enacted to read:

129 **13-63-104. Safety awareness disclosures.**

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

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

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

137 (A) "Online Dating Safety Awareness";

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

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

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

143 (A) a notice that engaging in sexual conduct without the other person's consent is a  
144 criminal act and subject to prosecution;

145 (B) an advisory that getting to know an individual through an online dating service may  
146 be risky and a member should follow safety precautions when sharing information or meeting  
147 in person;

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

152 (D) an advisory that a member should stop communicating with an individual who  
153 pressures the member for personal or financial information or attempts to trick the member into  
154 revealing personal or financial information;

155 (E) an advisory that a member should not send money to an individual the member  
156 meets on an online dating service, especially by wire transfer, even if the individual claims to  
157 be experiencing an emergency;

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

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

163 (H) an advisory that an individual may provide false information in a dating profile;

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

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

170 (K) a notice that if a member is the victim or survivor of sexual or intimate partner  
171 violence or a financial crime through someone the member met on the online dating service,  
172 the member is not to blame and may seek support through national or local hotlines and  
173 services; and

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

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

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

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

187 Section 6. Section **13-63-105** is enacted to read:

188 **13-63-105. Fraud ban notification.**

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

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

193 (a) to the extent permitted by law, the banned member's username, identification  
194 number, or other profile identifier;

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

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

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

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

202 (a) clear and conspicuous;

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

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

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

210 (4) (a) Except as provided in Section [13-63-106](#), an online dating service provider or  
211 an online dating service provider's employees and agents who are acting in good faith and in  
212 compliance with this section are not liable to a person based on:

213 (i) the means of communication used to issue a fraud ban notification to a Utah

214 member under this section;

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

216 (iii) the disclosure of information in a fraud ban notification under this section,

217 including:

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

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

220 or

221 (C) the reason that the online dating service provider initiated the fraud ban of the

222 banned member.

223 (b) This section does not create a private right of action or diminish or adversely affect

224 protections for an online dating service provider under 47 U.S.C. Sec. 230.

225 Section 7. Section **13-63-106** is enacted to read:

226 **13-63-106. Violation--Enforcement.**

227 (1) (a) The division may enforce the provisions of this chapter in accordance with

228 Chapter 2, Division of Consumer Protection.

229 (b) In addition to the division's enforcement powers under Subsection (1)(a), a

230 municipal, county, or state prosecuting authority may enforce this chapter through a civil action

231 if the prosecuting authority is screening or prosecuting a criminal matter based on sexual or

232 intimate partner violence or a financial crime perpetrated against a Utah member by an

233 individual the Utah member met on an online dating service.

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

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

237 and

238 (ii) filing fees and reasonable attorney fees.

239 (b) A court shall enjoin an online dating service provider who violates this chapter

240 from an additional violation of this chapter.

241 Section 8. **Effective date.**

242 This bill takes effect on January 1, 2024 with the exception of Section [13-2-1](#) (Effective

243 12/31/23) which takes effect on 12/31/2023.