



General Assembly

February Session, 2006

Raised Bill No. 5596

LCO No. 2161

* ____HB05596JUD__041106__*

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

**AN ACT PROHIBITING INTERNET MISREPRESENTATION OF
BUSINESS AFFILIATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this
2 section, unless the context otherwise requires:

3 (1) "Electronic mail message" means a message sent to a unique
4 destination that consists of a unique user name or mailbox and a
5 reference to an Internet domain, whether or not displayed, and to
6 which an electronic mail message can be sent or delivered;

7 (2) "Identifying information" means an individual's piece of
8 information that can be used to access an individual's financial
9 accounts or to obtain goods or services and that includes an
10 individual's Social Security number, operator's license number, bank
11 account number, credit or debit card number, personal identification
12 number, automated or electronic signature, unique biometric data, and
13 account passwords;

14 (3) "Internet" means collectively the myriad of computer and
15 telecommunications facilities, including equipment and operating

16 software that comprise the interconnected world-wide network of
17 networks that employ the transmission control protocol or Internet
18 protocol or any predecessor or successor protocols to such protocol to
19 communicate information of all kinds by wire or radio; and

20 (4) "Web page" means a location with respect to the worldwide web
21 that has a single uniform resource locator or other single location with
22 respect to the Internet.

23 (b) No person shall, by means of a web page or electronic mail,
24 electronic mail message or otherwise using the Internet, solicit, request
25 or take any action to induce another person to provide identifying
26 information by representing that the person, either directly or by
27 implication, is an on-line business without the authority or approval of
28 the on-line business.

29 (c) The Attorney General, or a person who either is engaged in the
30 business of providing Internet access service to the public or owns a
31 web page or trademark and who is adversely affected by reason of a
32 violation of this section, may bring an action against a person who
33 violates this section to: (1) Enjoin further violations of this section, and
34 (2) recover the greater of actual damages or five hundred thousand
35 dollars for each separate violation of this section.

36 (d) In an action under this section, the court may increase a damage
37 award to an amount equal to not more than three times the amount
38 otherwise available under this section if the court determines that the
39 defendant has engaged in a pattern and practice of violating this
40 section. The Attorney General may also recover reasonable attorney's
41 fees and costs.

42 (e) For the purposes of this section, multiple violations of this
43 section resulting from any single action or act shall constitute one
44 violation.

45 (f) Any person who violates this section shall be fined not more than
46 five thousand dollars or imprisoned not less than one year nor more

47 than five years, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

INS *Joint Favorable*

JUD *Joint Favorable*