

1 H.84

2 Representative Botzow of Pownal moves that the bill be amended by
3 striking all after the enacting clause and inserting in lieu thereof the following:
4 Sec. 6. 9 V.S.A. chapter 63, subchapter 8 is added to read:

5 Subchapter 8. Internet Dating Services

6 § 2482a. DEFINITIONS

7 In this chapter:

8 (1) “Account change” means a change to the password, e-mail address,
9 age, identified gender, gender of members seeking to meet, primary photo
10 unless it has previously been approved by the Internet dating service, or other
11 conspicuous change to a member’s account or profile with or on an Internet
12 dating service.

13 (2) “Banned member” means the member whose account or profile is
14 the subject of a fraud ban.

15 (3) “Fraud ban” means barring a member’s account or profile from an
16 Internet dating service because, in the judgment of the service, the member
17 poses a significant risk of attempting to obtain money from other members
18 through fraudulent means.

19 (4) “Internet dating service” means a person or entity that is in the
20 business of providing dating services principally on or through the Internet.

1 (5) "Member" means a person who submits to an Internet dating service
2 information required to access the service and who obtains access to the
3 service.

4 (6) "Vermont member" means a member who provides a Vermont
5 residential or billing address or zip code when registering with the Internet
6 dating service.

7 § 2482b. REQUIREMENTS FOR INTERNET DATING SERVICES

8 (a) An Internet dating service shall disclose to all of its Vermont members
9 known to have previously received and responded to an on-site message from a
10 banned member:

11 (1) the user name, identification number, or other profile identifier of the
12 banned member;

13 (2) the fact that the banned member was banned because in the
14 judgment of the Internet dating service the banned member may have been
15 using a false identity or may pose a significant risk of attempting to obtain
16 money from other members through fraudulent means;

17 (3) that a member should never send money or personal financial
18 information to another member; and

19 (4) a hyperlink to online information that clearly and conspicuously
20 addresses the subject of how to avoid being defrauded by another member of
21 an Internet dating service.

1 (b) The notification required by subsection (a) of this section shall be:

2 (1) clear and conspicuous;

3 (2) by e-mail, text message, or other appropriate means of
4 communication; and

5 (3) sent within 24 hours after the fraud ban, or at a later time if the
6 service has determined based on an analysis of effective messaging that a
7 different time is more effective, but in no event later than three days after the
8 fraud ban.

9 (c) An Internet dating service shall disclose in an e-mail, text message, or
10 other appropriate means of communication, in a clear and conspicuous manner,
11 within 24 hours after discovery of any account change to a Vermont member's
12 account or profile:

13 (1) the fact that information on the member's account or personal profile
14 has been changed;

15 (2) a brief description of the change; and

16 (3) if applicable, how the member may obtain further information on the
17 change.

18 § 2482c. IMMUNITY

19 (a) An Internet dating service shall not be liable to any person, other than
20 the State of Vermont, or any agency, department, or subdivision of the State,
21 for disclosing to any member that it has banned a member, the user name or

1 identifying information of the banned member, or the reasons for the Internet
2 dating service's decision to ban such member.

3 (b) An Internet dating service shall not be liable to any person, other than
4 the State of Vermont, or any agency, department, or subdivision of the State,
5 for the decisions regarding whether to ban a member, or how or when to notify
6 a member pursuant to section 2482b of this title.

7 (c) This subchapter does not diminish or adversely affect the protections
8 for Internet dating services that are afforded in 47 U.S.C. § 230 (Federal
9 Communications Decency Act).

10 § 2482d. VIOLATIONS

11 (a) A person who violates this subchapter commits an unfair and deceptive
12 act in trade and commerce in violation of section 2453 of this title.

13 (b) The Attorney General has the same authority to make rules, conduct
14 civil investigations, and enter into assurances of discontinuance as is provided
15 under subchapter 1 of this chapter.

16 Sec. 2. EFFECTIVE DATES

17 (a) This section and 9 V.S.A. §§ 2482a, 2482c, and 2482d in Sec. 1 shall
18 take effect on passage.

19 (b) In Sec. 1, 9 V.S.A. § 2482b shall take effect on January 1, 2016.

20 and that after passage the title of the bill be amended to read: "An act relating
21 to internet dating services"