

FIRST REGULAR SESSION

SENATE BILL NO. 650

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GIBBONS.

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TERRY L. SPIELER, Secretary.

2022S.031

AN ACT

To amend chapter 407, RSMo, by adding thereto two new sections relating to consumer protection of electronically-transmitted information, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto two new sections, to be known as sections 407.1525 and 407.1530, to read as follows:

407.1525. 1. For purposes of sections 407.1525 and 407.1530, the following terms shall mean:

(1) "Domain name", a globally unique, hierarchical reference to an Internet host or service, assigned through centralized Internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy;

(2) "Electronic mail", a message sent to a unique electronic mail address;

(3) "Electronic mail address", a destination, commonly expressed as a sequence of characters, to which electronic mail may be sent or delivered;

(4) "Interactive computer service", any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions;

(5) "Internet", the global information system that is logically linked together by a globally unique address space based on the Internet protocol, or its subsequent extensions, and that is able to

21 support communications using the transmission control
22 protocol/Internet protocol suite, or its subsequent extensions, or other
23 Internet protocol-compatible protocols, and that provides, uses, or
24 makes accessible, either publicly or privately, high level services
25 layered on the communications and related infrastructure described in
26 this subdivision;

27 (6) "Internet information location tool", a service that refers or
28 links users to an online location. The term includes directories,
29 indices, references, pointers, web page addresses, and hypertext links;

30 (7) "Legitimate business", an entity that is registered to do
31 business under the laws of any jurisdiction;

32 (8) "Means of identification", information that includes any of the
33 following:

34 (a) Social security number;

35 (b) Driver's license number;

36 (c) Bank account number;

37 (d) Credit card or debit card number;

38 (e) Personal identification number or PIN;

39 (f) Automated or electronic signature;

40 (g) Account password;

41 (h) Biometrics; or

42 (i) Any other piece of information that can be used to access an
43 individual's financial accounts or to obtain goods or services;

44 (9) "Website", a location that has a single online location with
45 respect to the Internet.

46 2. Any person who knowingly, with the intent to carry on any
47 activity which would be considered a federal or state crime of fraud or
48 identity theft by:

49 (1) Creating or procuring the creation of, or causing any user of
50 the Internet to view, a website domain or domain name that represents
51 itself as belonging to or being associated with a legitimate business,
52 without the authority or approval of the registered owner of the actual
53 website or domain name of the legitimate business, and using such
54 website or domain name to induce, request, ask, or solicit any person
55 to transmit, submit, or provide any means of identification to another;
56 or

57 (2) Transmitting or causing the transmittal of electronic mail

58 that:

59 (a) Either:

60 a. Falsely represents itself as being sent by a legitimate business;

61 or

62 b. Includes an Internet information location tool that refers or
63 links users to an online location on the World Wide Web that falsely
64 purports to belong to or be associated with a legitimate business; and

65 (b) Induces, requests, asks, or solicits a recipient of the
66 electronic mail message directly or indirectly to provide, submit, or
67 relate any means of identification to another;

68 shall be guilty of a class C misdemeanor.

69 3. It shall be unlawful for any person to:

70 (1) Create or procure the creation of, or cause any user of the
71 Internet to view, a website that represents itself as belonging to or
72 being associated with a legitimate business, without the authority or
73 approval of the registered owner of the actual website or domain name
74 of the legitimate business, and use such website to induce, request, ask,
75 or solicit any person to transmit, submit, or provide any means of
76 identification to another; or

77 (2) Transmit or cause the transmittal of electronic mail that:

78 (a) Either:

79 a. Falsely represents itself as being sent by a legitimate business;

80 or

81 b. Includes an Internet information location tool that refers or
82 links user to an online location on the World Wide Web that falsely
83 purports to belong to or be associated with a legitimate business; and

84 (b) Induces, requests, asks, or solicits a recipient of the
85 electronic mail message directly or indirectly to provide, submit, or
86 relate any means of identification to another.

407.1530. 1. The attorney general, or any person who either is
2 engaged in the business of providing interactive computer service to
3 the public or owns a website or trademark and who is adversely
4 affected by reason of a violation of section 407.1525, may bring an
5 action against a person who violates section 407.1525:

6 (1) To enjoin further violations of section 407.1525; and

7 (2) To recover the greater of:

8 (a) Actual damages; or

9 **(b) Ten thousand dollars for each separate violation of section**
10 **407.1525, up to a maximum of five hundred thousand dollars.**

11 **2. For purposes of subsection 1 of this section, multiple**
12 **violations of section 407.1525 resulting from any single action or**
13 **conduct shall constitute one violation.**

14 **3. In an action under subsection 1 of this section, a court may:**

15 **(1) Increase the damages up to three times the damages allowed**
16 **by subsection 1 of this section where the defendant has engaged in a**
17 **pattern and practice of violating section 407.1525; and**

18 **(2) Award costs and reasonable attorney fees to a prevailing**
19 **party.**

20 **4. No provider of an interactive computer service may be held**
21 **liable under any law of this state or of one of its political subdivisions**
22 **for removing or disabling access to content that resides on a website or**
23 **other online location controlled or operated by the provider, and that**
24 **the provider believes in good faith is used to engage in a violation of**
25 **section 407.1525.**

Bill ✓

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