

SENATE BILL NO. 1501

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5959S.03I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the disclosure of personal information online.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1505, to read as follows:

407.1505. 1. As used in this section, the following terms mean:

(1) "Consumer", a natural person who purchases products or services on an internet website;

(2) "Internet website", any internet website, online or cloud computing service, online application, or mobile application that offers products or services to consumers in the state;

(3) "Operator", a person or entity who owns or operates an internet website;

(4) "Personal information", a home address, home telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under eighteen years of age.

17 2. An internet website that collects a consumer's
18 personal information shall, before the collection of the
19 personal information, inform the consumer of the following:

20 (1) Categories of personal information to be collected
21 and the purpose for which the categories of personal
22 information shall be collected and used. An internet
23 website shall not collect personal information or use
24 personal information that is incompatible with the disclosed
25 purpose;

26 (2) Whether the personal information shall be sold or
27 shared;

28 (3) The length of time an internet website intends to
29 retain each category of personal information.

30 3. An internet website that collects personal
31 information about a consumer shall disclose to the consumer
32 a right to request the deletion of the consumer's personal
33 information or a consumer's right to opt-out from the sale
34 or sharing of personal information.

35 4. An operator of an internet website shall create a
36 form for a consumer to request to opt-out from the sale or
37 sharing of the consumer's personal information and a form
38 for a request to delete the consumer's personal
39 information. The form shall be posted in a conspicuous
40 place on the internet website.

41 5. An internet website that receives a consumer's
42 request to opt-out of the sale or sharing of the consumer's
43 personal information or a request to delete the consumer's
44 personal information under this section shall not sell or
45 share the consumer's personal information, or shall delete
46 the consumer's personal information from the internet
47 website's records as soon as feasibly possible.

48 6. If an internet website received a consumer's
49 request to delete personal information, the internet website
50 operator shall notify all third parties to whom the internet
51 website sold or shared the personal information to delete
52 the consumer's personal information, unless deletion of
53 personal information proves impossible or involves
54 disproportionate effort.

55 7. If a consumer does not opt-out from the sale of his
56 or her personal information and the internet website
57 operator sells a consumer's personal information to a third
58 party, the internet website operator shall make a payment to
59 the consumer equal to sixty percent of the money received by
60 the operator for the sale of such personal information to a
61 third party.

62 8. A consumer or any person may notify the attorney
63 general of any violation under this section. If the
64 attorney general discovers that an internet website or a
65 third party violated provisions of this section, the
66 attorney general shall commence a civil action against an
67 internet website or a third party in a court of competent
68 jurisdiction.

69 9. If the court finds that an internet website or a
70 third party violated provisions of this section, the court
71 may award actual damages, injunctive relief, a civil penalty
72 of no more than two thousand dollars for each day of the
73 violation, attorney fees, and any other relief the court
74 deems appropriate.

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