

# House File 2202 - Introduced

HOUSE FILE \_\_\_\_\_  
BY PAULSEN, TYMESON, and  
BAUDLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the regulation of a commercial social  
2 networking internet site, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5076HH 82  
5 jm/rj/5

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1 1 Section 1. NEW SECTION. 716C.1 COMMERCIAL SOCIAL  
1 2 NETWORKING INTERNET SITES == PERMISSION.  
1 3 1. As used in this section:  
1 4 a. "Commercial social networking internet site" means an  
1 5 internet site that is operated by a person who derives  
1 6 membership fees, advertising, or other revenue sources related  
1 7 to the operation of an internet site that facilitates the  
1 8 social introduction between two or more persons for the  
1 9 purpose of friendship, meeting other persons, or information  
1 10 exchanges, and permits the creation of internet pages or  
1 11 personal profiles that contain information such as the name or  
1 12 nickname of the user, photographs, and other personal  
1 13 information about the user, and links to other personal  
1 14 internet pages on the commercial social networking internet  
1 15 site of friends or associates of the user that may be accessed  
1 16 by other users or visitors to the internet site, and provides  
1 17 users or visitors mechanisms to communicate with each other,  
1 18 such as a message board, chat room, electronic mail, or  
1 19 instant messaging.  
1 20 b. "Protected computer" means a computer or other  
1 21 electronic device used to access the internet that at the time  
1 22 of the alleged violation is located within the geographic  
1 23 boundaries of this state.  
1 24 2. A commercial social networking internet site shall not  
1 25 permit a minor using a protected computer to create or  
1 26 maintain a personal internet page on a commercial social  
1 27 networking internet site unless the parent, guardian, or legal  
1 28 custodian has granted the minor permission to create or  
1 29 maintain a personal internet page on a commercial social  
1 30 networking internet site.  
1 31 3. If a parent, guardian, or legal custodian of the minor  
1 32 has granted the minor permission to access the commercial  
1 33 social networking internet site, the owner of a commercial  
1 34 social networking internet site shall provide the parent,  
1 35 guardian, or legal custodian access to the minor's personal  
2 1 internet page at all times.  
2 2 4. A commercial social networking internet site shall  
2 3 adopt and implement procedures to confirm the identities and  
2 4 ages of a parent, guardian, or legal custodian who provides  
2 5 permission to access the social networking internet site by  
2 6 independently validating the accuracy of personal  
2 7 identification information submitted at the time of  
2 8 registration.  
2 9 5. If the minor does not receive permission from a parent,  
2 10 guardian, or legal custodian or the personal identification  
2 11 information of the parent, guardian, or legal custodian cannot  
2 12 be independently confirmed, the minor shall not be permitted  
2 13 to create or maintain a personal internet page on the social  
2 14 networking internet site.  
2 15 6. This section does not apply to an internet service or  
2 16 hosting provider by reason of such provider transmitting,  
2 17 routing, or providing connections for information sent or  
2 18 received from a commercial social networking internet site,  
2 19 unless the internet service or hosting provider intentionally

2 20 aids and abets a violation of this section.  
2 21 7. A commercial social networking internet site or any  
2 22 other entity that violates this section is subject to a five  
2 23 hundred dollar civil penalty. Each violation of this section  
2 24 constitutes a separate violation.  
2 25 8. The attorney general may file an action for violations  
2 26 of this section in district court on behalf of the residents  
2 27 of this state.  
2 28 9. Civil penalties shall be collected by the clerk of the  
2 29 district court and distributed as provided in section  
2 30 602.8108.

2 31 EXPLANATION

2 32 This bill relates to the regulation of a commercial social  
2 33 networking internet site.

2 34 The bill provides that a commercial social networking  
2 35 internet site shall not permit a minor under 18 years of age  
3 1 using a computer or other electronic device to create or  
3 2 maintain a personal internet page on a commercial social  
3 3 networking internet site unless the parent or guardian of the  
3 4 minor has granted the minor permission to access the social  
3 5 networking internet site. The bill provides that a commercial  
3 6 social networking internet site shall adopt and implement  
3 7 procedures to independently confirm the identities and ages of  
3 8 the parent or guardian.

3 9 Under the bill, if a commercial social networking internet  
3 10 site has received permission from the parent or guardian of  
3 11 the minor, the internet site shall provide access to the  
3 12 parent or guardian to the personal internet page of the minor  
3 13 at all times.

3 14 If a minor does not have permission from a parent or  
3 15 guardian to access the commercial social networking internet  
3 16 site, the bill prohibits a minor from creating or maintaining  
3 17 a personal internet page on the commercial social networking  
3 18 internet site on and after the effective date of the Act.

3 19 The bill does not apply to an internet service or hosting  
3 20 provider by reason of such provider transmitting, routing, or  
3 21 providing connections for information sent or received from a  
3 22 commercial social networking internet site, unless the  
3 23 internet service or hosting provider intentionally aids and  
3 24 abets a violation of the bill.

3 25 The bill provides that the attorney general may file an  
3 26 action for violations of the bill on behalf of the state in  
3 27 district court. A commercial social networking internet site  
3 28 or any other entity that violates the bill is subject to a  
3 29 \$500 civil penalty. Each violation of the bill constitutes a  
3 30 separate violation.

3 31 The bill applies to computer or other electronic devices  
3 32 used to access the internet located within the geographic  
3 33 boundaries of this state.

3 34 The bill defines "commercial social networking internet  
3 35 site" to mean an internet site that is operated by a person  
4 1 who derives membership fees, advertising, or other revenue  
4 2 sources related to the operation of an internet site that  
4 3 facilitates the social introduction between two or more  
4 4 persons for the purpose of friendship, meeting other persons,  
4 5 or information exchanges, and permits the creation of internet  
4 6 pages or personal profiles that contain information such as  
4 7 the name or nickname of the user, photographs, and other  
4 8 personal information about the user, and links to other  
4 9 personal internet pages on the commercial social networking  
4 10 internet site of friends or associates of the user that may be  
4 11 accessed by other users or visitors to the internet site, and  
4 12 provides users or visitors mechanisms to communicate with each  
4 13 other, such as a message board, chat room, electronic mail, or  
4 14 instant messaging.

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