Senate Study Bill 3106 - Introduced

A BILL FOR

1 An Act relating to software security measures for text
2   messages, providing penalties, and including effective date
3   provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **476.95C Software security measures**
2 **for text messages.**
3 1. For the purposes of this section:
4 *a.* *"Encrypted"* means the same as defined in section 715C.1.
5 *b.* *"Texting software"* means the software that comes
6 preloaded on a wireless device, and any subsequent updates to
7 the software, that enables the wireless device to send a text
8 message to or receive a text message from all or substantially
9 all United States telephone numbers capable of sending or
10 receiving a text message.
11 *c.* *"Texting software provider"* means an entity that provides
12 texting software to a wireless device.
13 2. When a person sends a text message to or receives a
14 text message from an individual or a group using the texting
15 software on a wireless device, the texting software provider
16 for the wireless device sending the text message shall ensure
17 all of the following:
18 *a.* That the data sent in the text message is encrypted
19 and that the texting software selects a network that is
20 compatible with and supports such encryption when selecting
21 a communication network to send the text message to another
22 wireless device.
23 *b.* A photo, video, or other media sent in the text message
24 is sent in its original quality without degradation.
25 *c.* That the person who sent the text message receives a
26 real-time notification that the recipient of the text message
27 has viewed it, if the text message recipient has enabled such a
28 notification function on the wireless device.
29 *d.* That the intended recipient of a text message is sent
30 a real-time notification that a person is typing text, if the
31 text message sender has enabled such a notification function
32 on the wireless device.
33 3. *a.* The board or the attorney general may bring an action
34 against a texting software provider that has violated this
35 chapter and may seek a temporary or permanent injunction to

1 restrain the violation.

2   *b.* A texting software provider that violates this section
3 is subject to a civil penalty of ten dollars per violation for
4 each device with which a violation occurs. Each calendar month
5 a violation occurs constitutes a separate violation for each
6 device with which a violation occurs.

7   Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
8 importance, takes effect upon enactment.

9   EXPLANATION

10   **The inclusion of this explanation does not constitute agreement with**
11   **the explanation's substance by the members of the general assembly.**

12   This bill requires texting software providers to ensure
13 certain encryption and notification features when persons
14 send or receive text messages. "Texting software provider"
15 is defined in the bill as an entity that provides software
16 that comes preloaded on a wireless device, and any subsequent
17 updates to the software, that enables the wireless device to
18 send or receive a text message from U.S. telephone numbers
19 capable of sending or receiving a text message. The bill
20 requires a texting software provider to ensure that text
21 message data is encrypted and sent over a network that supports
22 the encryption, that media sent in the text message is sent
23 and received in its original quality without degradation, and
24 that a text message sender or receiver receives real-time
25 notifications that a person is typing a message or whether
26 a sent message has been read, if the user has enabled such
27 functions on the wireless device.

28   The bill authorizes the Iowa utilities board and the
29 attorney general to seek an injunction against a software
30 provider that is not encrypting text messages. A violation
31 of the bill subjects the texting software provider to a civil
32 penalty of $10 for each device with which a violation occurs.
33   The bill takes effect upon enactment.