

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 114

SENATE BILL 1447

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 29; RELATING TO INTERNET REPRESENTATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 29, to read:

4 CHAPTER 29

5 INTERNET REPRESENTATIONS

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7201. Definitions

8 FOR THE PURPOSES OF THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 1. "ELECTRONIC MAIL MESSAGE" MEANS A MESSAGE SENT TO A UNIQUE
11 DESTINATION THAT CONSISTS OF A UNIQUE USER NAME OR MAILBOX AND A REFERENCE TO
12 AN INTERNET DOMAIN, WHETHER OR NOT DISPLAYED, AND TO WHICH AN ELECTRONIC MAIL
13 MESSAGE CAN BE SENT OR DELIVERED.

14 2. "IDENTIFYING INFORMATION" MEANS AN INDIVIDUAL'S PIECE OF
15 INFORMATION THAT CAN BE USED TO ACCESS AN INDIVIDUAL'S FINANCIAL ACCOUNTS OR
16 TO OBTAIN GOODS OR SERVICES AND THAT INCLUDES AN INDIVIDUAL'S:

- 17 (a) SOCIAL SECURITY NUMBER.
18 (b) DRIVER LICENSE NUMBER.
19 (c) BANK ACCOUNT NUMBER.
20 (d) CREDIT OR DEBIT CARD NUMBER.
21 (e) PERSONAL IDENTIFICATION NUMBER.
22 (f) AUTOMATED OR ELECTRONIC SIGNATURE.
23 (g) UNIQUE BIOMETRIC DATA.
24 (h) ACCOUNT PASSWORDS.

25 3. "INTERNET" MEANS COLLECTIVELY THE MYRIAD OF COMPUTER AND
26 TELECOMMUNICATIONS FACILITIES, INCLUDING EQUIPMENT AND OPERATING SOFTWARE,
27 THAT COMPRISE THE INTERCONNECTED WORLDWIDE NETWORK OF NETWORKS THAT EMPLOY
28 THE TRANSMISSION CONTROL PROTOCOL OR INTERNET PROTOCOL, OR ANY PREDECESSOR OR
29 SUCCESSOR PROTOCOLS TO SUCH PROTOCOL, TO COMMUNICATE INFORMATION OF ALL KINDS
30 BY WIRE OR RADIO.

31 4. "WEB PAGE" MEANS A LOCATION WITH RESPECT TO THE WORLDWIDE WEB THAT
32 HAS A SINGLE UNIFORM RESOURCE LOCATOR OR OTHER SINGLE LOCATION WITH RESPECT
33 TO THE INTERNET.

34 44-7202. Prohibition

35 A PERSON SHALL NOT BY MEANS OF A WEB PAGE OR ELECTRONIC MAIL MESSAGE OR
36 OTHERWISE USING THE INTERNET SOLICIT, REQUEST OR TAKE ANY ACTION TO INDUCE
37 ANOTHER PERSON TO PROVIDE IDENTIFYING INFORMATION BY REPRESENTING THAT THE
38 PERSON, EITHER DIRECTLY OR BY IMPLICATION, IS AN ON-LINE BUSINESS WITHOUT THE
39 AUTHORITY OR APPROVAL OF THE ON-LINE BUSINESS.

40 44-7203. Civil relief; damages

41 A. THE ATTORNEY GENERAL, OR A PERSON WHO EITHER IS ENGAGED IN THE
42 BUSINESS OF PROVIDING INTERNET ACCESS SERVICE TO THE PUBLIC OR OWNS A WEB
43 PAGE OR TRADEMARK AND WHO IS ADVERSELY AFFECTED BY REASON OF A VIOLATION OF
44 THIS CHAPTER, MAY BRING AN ACTION AGAINST A PERSON WHO VIOLATES THIS CHAPTER
45 TO:

- 1 1. ENJOIN FURTHER VIOLATIONS OF THIS CHAPTER.
2 2. RECOVER THE GREATER OF ACTUAL DAMAGES OR FIVE HUNDRED THOUSAND
3 DOLLARS FOR EACH SEPARATE VIOLATION OF THIS CHAPTER.
4 B. IN AN ACTION UNDER THIS SECTION, THE COURT MAY INCREASE A DAMAGE
5 AWARD TO AN AMOUNT EQUAL TO NOT MORE THAN THREE TIMES THE AMOUNT OTHERWISE
6 AVAILABLE UNDER THIS SECTION IF THE COURT DETERMINES THAT THE DEFENDANT HAS
7 ENGAGED IN A PATTERN AND PRACTICE OF VIOLATING THIS CHAPTER.
8 C. THE ATTORNEY GENERAL MAY ALSO RECOVER REASONABLE ATTORNEY FEES AND
9 COSTS.
10 D. FOR THE PURPOSES OF THIS SECTION, MULTIPLE VIOLATIONS OF THIS
11 CHAPTER RESULTING FROM ANY SINGLE ACTION OR ACT SHALL CONSTITUTE ONE
12 VIOLATION.
13 44-7204. Violation; classification
14 A PERSON WHO VIOLATES THIS CHAPTER IS GUILTY OF A CLASS 5 FELONY.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

Passed the House April 12, 2005

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Passed the Senate March 1, 2005

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Speaker of the House
Pro Tempore

Chief Clerk of the House

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2005

at 12:46 o'clock P. M.

Secretary to the Governor

Approved this 18 day of

April, 2005,

at 2¹⁰ o'clock P. M.

Governor of Arizona

S.B. 1447

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005

at 4:42 o'clock P. M.

Secretary of State