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Senate Engrossed

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

# 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:

- 46 1. ENJOIN FURTHER VIOLATIONS OF THIS CHAPTER.

1           2. RECOVER THE GREATER OF ACTUAL DAMAGES OR FIVE HUNDRED THOUSAND  
2 DOLLARS FOR EACH SEPARATE VIOLATION OF THIS CHAPTER.

3           B. IN AN ACTION UNDER THIS SECTION, THE COURT MAY INCREASE A DAMAGE  
4 AWARD TO AN AMOUNT EQUAL TO NOT MORE THAN THREE TIMES THE AMOUNT OTHERWISE  
5 AVAILABLE UNDER THIS SECTION IF THE COURT DETERMINES THAT THE DEFENDANT HAS  
6 ENGAGED IN A PATTERN AND PRACTICE OF VIOLATING THIS CHAPTER.

7           C. THE ATTORNEY GENERAL MAY ALSO RECOVER REASONABLE ATTORNEY FEES AND  
8 COSTS.

9           D. FOR THE PURPOSES OF THIS SECTION, MULTIPLE VIOLATIONS OF THIS  
10 CHAPTER RESULTING FROM ANY SINGLE ACTION OR ACT SHALL CONSTITUTE ONE  
11 VIOLATION.

12           44-7204. Violation; classification  
13           A PERSON WHO VIOLATES THIS CHAPTER IS GUILTY OF A CLASS 5 FELONY.