

JAN 20 2012

S.B. NO. 2254

A BILL FOR AN ACT

RELATING TO INTERNET DATING SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§481B- Internet dating services; safety awareness
5 notification. (a) An internet dating service offering services
6 to Hawaii members shall provide a safety awareness notification
7 that includes, at a minimum, a list and description of safety
8 measures reasonably designed to increase awareness of safer
9 dating practices in a clear and conspicuous manner. The
10 notification shall include but not be limited to statements that
11 are substantially similar to the following:

12 (1) "Anyone who is able to commit identity theft can also
13 falsify a dating profile.";

14 (2) "There is no substitute for acting with caution when
15 communicating with any stranger who wants to meet
16 you.";

17 (3) "Never include your last name, e-mail address, home
18 address, telephone or cell phone number, place of



1 work, or any other identifying information in your
2 internet profile or initial e-mail messages. Stop
3 communicating with anyone who pressures you for
4 personal or financial information or attempts in any
5 way to trick you into revealing it."; and

6 (4) "If you choose to have a face-to-face meeting with
7 another member, always tell someone in your family or
8 a friend where you are going and when you will return.
9 Never agree to be picked up at your home. Always
10 provide your own transportation to and from your date
11 and meet in a public place with many people around.".

12 The notification shall be given at the time a Hawaii member
13 registers with the service and by way of a link on the main
14 website, or the first entry point, of the service.

15 (b) If an internet dating service does not conduct
16 criminal background screenings on its members, the service shall
17 disclose, clearly and conspicuously, to all Hawaii members that
18 the internet dating service does not conduct criminal background
19 screenings. The disclosure shall be provided in two or more of
20 the following forms:

21 (1) When an electronic mail message is sent or received by
22 a Hawaii member;



1 (2) In a "click-through" or other similar presentation
2 requiring a member from this State to acknowledge that
3 they have received the information required by this
4 section;

5 (3) On the profile describing a member to a Hawaii member;
6 or

7 (4) On the website pages or home page of the internet
8 dating service used when a Hawaii member signs up.

9 A disclosure under this subsection shall be in bold, capital
10 letters in at least twelve-point type.

11 (c) If an internet dating service conducts criminal
12 background screenings on all of its communicating members, then
13 the service shall disclose, clearly and conspicuously, to all
14 Hawaii members that the internet dating service conducts a
15 criminal background screening on each member prior to permitting
16 a Hawaii member to communicate with another member. The
17 disclosure shall be provided on the website pages used when a
18 Hawaii member signs up. A disclosure under this subsection
19 shall be in bold, capital letters in at least twelve-point type.

20 (d) If an internet dating service conducts criminal
21 background screenings, the service shall:



1 (1) Disclose whether it has a policy allowing a member who
2 has been identified as having a criminal conviction to
3 have access to its service to communicate with any
4 Hawaii member; and

5 (2) State in substantially similar language that:

6 (A) Criminal background screenings are not foolproof,
7 may give members a false sense of security, and
8 are not a perfect safety solution;

9 (B) Criminals may circumvent even the most
10 sophisticated search technology;

11 (C) Not all criminal records are public in all states
12 and not all databases are up-to-date;

13 (D) Only publicly available convictions are included
14 in the screenings; and

15 (E) Screenings do not cover other types of
16 convictions or arrests or any convictions from
17 foreign countries.

18 (e) The attorney general may bring an action against an
19 internet dating service that violates this section to:

20 (1) Enjoin further violation of this section; and

21 (2) Recover up to \$250 for each Hawaii member registered
22 with the internet dating service during the time



1 period that the internet dating service was in
2 violation of this section. In an action under this
3 paragraph, a court may increase the damages up to
4 three times the damages allowed where the defendant
5 has been found to have engaged in a pattern and
6 practice of violating this section.

7 (f) No internet dating service shall be deemed to have
8 violated this section if the internet dating service shows, by a
9 preponderance of the evidence, that the violation was not
10 intentional and resulted from a bona fide error made
11 notwithstanding the maintenance of procedures reasonably adopted
12 to avoid the error.

13 (g) Nothing in this section shall be construed to restrict
14 any right that any person may have under any other statute or
15 common law.

16 (h) An internet service provider does not violate this
17 section solely as a result of serving as an intermediary for the
18 transmission of electronic messages between members of an
19 internet dating service.

20 (i) As used in this section:

21 "Hawaii member" means a member who provides an in-state
22 billing address or zip code when registering with the service.



1 "Internet dating service" means a person or entity directly
2 or indirectly in the business, for profit, of offering,
3 promoting, or providing access to dating, relationship,
4 compatibility, matrimonial, or social referral services
5 principally on or through the Internet.

6 "Internet service provider" means any person, business, or
7 organization qualified to do business in this State that
8 provides individuals, corporations, or other entities with the
9 ability to connect to the Internet through equipment that is
10 located in this State.

11 "Member" means a customer, client, or participant who
12 submits to an internet dating service information required to
13 access the service for the purpose of engaging in dating,
14 relationship, compatibility, matrimonial, or social referral."

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

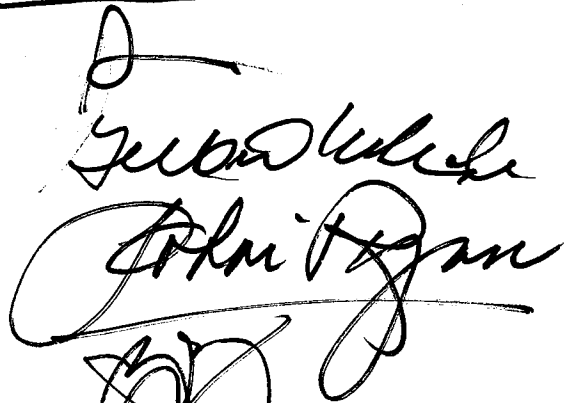
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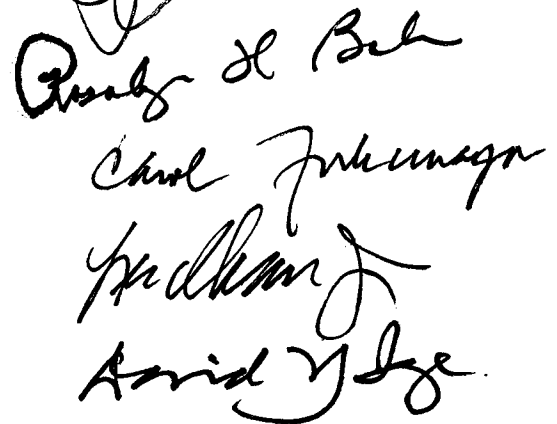
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Report Title:

Internet Dating Services; Safety Awareness Notification

Description:

Requires internet dating services to provide safety awareness notification to their Hawaii members. Authorizes the AG to bring an action against violators.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

