



Rep. Robert S. Molaro

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LRB095 00874 AJ0 49038 a

1 AMENDMENT TO HOUSE BILL 2649

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2649 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Internet Dating Disclosure and Safety Awareness Act.

6 Section 5. Definitions. As used in this Act:

7 "Communicate" or "communicating" means free-form text  
8 authored by a member or real-time voice communication through  
9 an online dating service provider.

10 "Member" means a person who submits to an online dating  
11 service provider the information required by the provider to  
12 access the provider's service for the purpose of engaging in  
13 dating, participating in compatibility evaluations with other  
14 persons, or obtaining matrimonial matching services.

15 "Online dating service provider" or "provider" means a  
16 person engaged in the business of offering or providing to its

1 members for a fee access to dating, compatibility evaluations  
2 between persons, or matrimonial matching services through the  
3 Internet.

4 "Sex offender registrant search" means a search for a  
5 person's current and historical registration status on each  
6 state's available sex offender registry, including the  
7 District of Columbia and Puerto Rico, initiated by an online  
8 dating service provider conducted through one of the means  
9 provided for in Section 10 of this Act.

10 "Sex offense conviction" means a conviction for an offense  
11 that would qualify the offender for registration as a sex  
12 offender pursuant to the Sex Offender Registration Act or under  
13 another state's equivalent statute.

14 Section 10. Sex offender registrant search. For purposes of  
15 this Act, a sex offender registrant search shall be conducted  
16 through one of the following means:

17 (1) by searching each available and regularly updated  
18 state-wide sex offender registry database in all 50 states  
19 plus Washington, D.C. and Puerto Rico; or

20 (2) by searching a database maintained and regularly  
21 updated by a private vendor whose database contains  
22 state-wide sex offender registrant information for all 50  
23 states plus Washington, D.C. and Puerto Rico as would be  
24 otherwise accessible through searches of all the available  
25 government databases specified in item (1) of this Section.

1 Section 15. Sex offender registrant search; disclosures.

2 (a) An online dating service provider offering services to  
3 residents of this State shall disclose clearly and  
4 conspicuously, to any member who provides a billing address or  
5 a zip code in this State when registering with the provider, if  
6 the online dating service provider does not initiate such a sex  
7 offender registrant search.

8 (b) If the online dating service provider does not initiate  
9 sex offender registrant searches, the provider must make a  
10 disclosure that shall read:

11 "NO SEX OFFENDER REGISTRY SEARCH IS DONE ON MEMBERS WHO  
12 USE THIS SERVICE. PLEASE TAKE APPROPRIATE SAFETY MEASURES  
13 TO INCREASE AWARENESS OF POSSIBLE RISKS ASSOCIATED WITH  
14 DATING."

15 (c) The disclosure required by subsection (b) of this  
16 Section shall appear on a web page required to be viewed by a  
17 person applying to be a member who has indicated a billing  
18 address or zip code in this State in the registration process.  
19 The disclosure cannot be more than 3 inches from the top of the  
20 web page and must be:

- 21 (1) in bold capital letters;  
22 (2) in at least 12 point type; and  
23 (3) in a color that contrasts from the background.

24 The provider shall require the applicant in this State to  
25 make an electronic acknowledgement that the applicant has been

1 provided the disclosure before the applicant is accepted as a  
2 member. The disclosure required by subsection (b) of this  
3 Section shall additionally appear on any page that appears to a  
4 member in this State each time that member initiates or  
5 receives a communication with another member through the  
6 provider's service.

7 (d) If the online dating service provider conducts sex  
8 offender registry searches and the provider has a policy  
9 allowing a member who has been identified as being on a sex  
10 offender registry to have access to its service to communicate  
11 with any member in this State, the provider shall clearly and  
12 conspicuously disclose on any communication to a member in this  
13 State from the member who has been identified as having been on  
14 a sex offender registry, and on any web page that is seen by or  
15 transmitted to a member in this State that contains the  
16 personal information for the member who has been identified as  
17 having been on a sex offender registry and that is seen by or  
18 communicated to a member in this State, a disclosure that shall  
19 read:

20 "THIS PERSON HAS BEEN IDENTIFIED AS A CURRENT OR FORMER  
21 SEX OFFENDER REGISTERED ON ONE OR MORE SEX OFFENDER  
22 REGISTRIES."

23 (e) Prior to disclosing to any member or publicizing in any  
24 manner that a member has been identified as having been on a  
25 sex offender registry, the provider shall, if it conducted the  
26 search in accordance with item (1) of Section 10, notify the

1 member identified as having been on a sex offender registry of  
2 the results of the search. If the provider conducts the search  
3 in accordance with item (2) of Section 10, it shall notify and  
4 require the private vendor to contact the member having been  
5 identified as having been on a sex offender registry regarding  
6 the results of the search.

7 If within 10 days of receipt of notification the member  
8 disputes the accuracy of his or her status as having been on a  
9 sex offender registry, the provider either personally or  
10 through its vendor shall, within 30 days of receipt of  
11 information from the member contesting the accuracy of the sex  
12 offender search, make a determination of its accuracy and so  
13 notify the member.

14 Section 20. Provider policies; disclosure. An online  
15 dating service provider that conducts sex offender registry  
16 searches shall establish an automatic electronic link to a web  
17 page that provides a safety awareness notification. At a  
18 minimum, the safety awareness notification shall provide the  
19 following:

20 (1) A statement that reads:

21 "PERSONAL SAFETY AWARENESS NOTICE CAUTION:

22 The sex offender registrant searches for sex  
23 offenders convictions are not foolproof and are not  
24 intended to give members a false sense of security. Sex  
25 offender registrant searches are not a perfect safety

1 solution and offenders may circumvent even the most  
2 sophisticated search technology or registration  
3 requirements.

4 Not all sex offender records are public in all  
5 states and not all databases are up-to-date. Only  
6 publicly available sex offender registrant data is  
7 included in the search.

8 Anyone who is able to commit identity theft can  
9 also falsify a dating profile.

10 There is no substitute for using good common sense  
11 and acting with caution when communicating with any  
12 stranger who wants to meet you."

13 (2) A list and description of safety measures  
14 reasonably designed to increase awareness of safer dating  
15 practices as determined by the provider.

16 Section 25. Application. Any online dating service  
17 provider that signs up members from Illinois must comply with  
18 the provisions of this Act.

19 Section 30. Jurisdiction. An online dating service that  
20 engages in the act of transmitting files over the Internet  
21 addressed to residents of the State, and the act of accepting  
22 membership fees from residents of the State, means that the  
23 online dating service is operating, conducting, engaging in,  
24 and otherwise carrying on a business in the State, subjecting

1 the online dating service providers to regulation by the State  
2 and to the jurisdiction of the State's courts.

3 Section 35. Unlawful practice. Failure to comply with the  
4 disclosure requirements of this Act shall constitute an  
5 unlawful business practice under the Consumer Fraud and  
6 Deceptive Business Practices Act. Each failure to provide the  
7 required disclosure constitutes a separate violation.

8 Section 40. Exemptions.

9 (a) An Internet service provider does not violate this Act  
10 as a result of serving as an intermediary for the transmission  
11 of electronic messages between members of an online dating  
12 service provider.

13 (b) An Internet access service or other Internet service  
14 provider shall not be considered an online dating service  
15 provider within the meaning of this Act as to any online dating  
16 service website provided by another person or entity.

17 (c) An Internet service provider that has fewer than 1,000  
18 members is exempt from the requirements of this Act.

19 Section 45. Severability. If any provision of this Act or  
20 its application to any person or circumstance is held invalid,  
21 the invalidity of that provision or application does not affect  
22 other provisions or applications of this Act that can be given  
23 effect without the invalid provision or application.

1           Section 90. The Consumer Fraud and Deceptive Business  
2 Practices Act is amended by changing Section 2Z as follows:

3           (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

4           (Text of Section before amendment by P.A. 95-562)

5           Sec. 2Z. Violations of other Acts. Any person who knowingly  
6 violates the Automotive Repair Act, the Automotive Collision  
7 Repair Act, the Home Repair and Remodeling Act, the Dance  
8 Studio Act, the Physical Fitness Services Act, the Hearing  
9 Instrument Consumer Protection Act, the Illinois Union Label  
10 Act, the Job Referral and Job Listing Services Consumer  
11 Protection Act, the Travel Promotion Consumer Protection Act,  
12 the Credit Services Organizations Act, the Automatic Telephone  
13 Dialers Act, the Pay-Per-Call Services Consumer Protection  
14 Act, the Telephone Solicitations Act, the Illinois Funeral or  
15 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
16 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home  
17 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud  
18 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax  
19 Act, the Payday Loan Reform Act, subsection (a) or (b) of  
20 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail  
21 Act, the Internet Caller Identification Act, paragraph (6) of  
22 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
23 the Internet Dating Disclosure and Safety Awareness Act,  
24 Article 3 of the Residential Real Property Disclosure Act, the



1 Automatic Contract Renewal Act, or the Personal Information  
2 Protection Act commits an unlawful practice within the meaning  
3 of this Act.

4 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,  
5 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,  
6 eff. 1-1-08.)

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14 Protection Act, the Travel Promotion Consumer Protection Act,  
15 the Credit Services Organizations Act, the Automatic Telephone  
16 Dialers Act, the Pay-Per-Call Services Consumer Protection  
17 Act, the Telephone Solicitations Act, the Illinois Funeral or  
18 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
19 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home  
20 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud  
21 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax  
22 Act, the Payday Loan Reform Act, subsection (a) or (b) of  
23 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail  
24 Act, the Internet Caller Identification Act, paragraph (6) of  
25 subsection (k) of Section 6-305 of the Illinois Vehicle Code,

1 Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the  
2 Illinois Vehicle Code, the Internet Dating Disclosure and  
3 Safety Awareness Act, Article 3 of the Residential Real  
4 Property Disclosure Act, the Automatic Contract Renewal Act, or  
5 the Personal Information Protection Act commits an unlawful  
6 practice within the meaning of this Act.

7 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,  
8 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,  
9 eff. 1-1-08; 95-562, eff. 7-1-08; revised 10-17-07.)

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act."