



Rep. Marcus C. Evans, Jr.

Filed: 3/25/2014

09800HB3686ham001

LRB098 14066 MLW 57378 a

1 AMENDMENT TO HOUSE BILL 3686

2 AMENDMENT NO. _____. Amend House Bill 3686 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2RRR as follows:

6 (815 ILCS 505/2RRR new)

7 Sec. 2RRR. Internet content removal for minors.

8 (a) For purposes of this Section:

9 "Minor" means a natural person under 18 years of age
10 who resides in this State.

11 "Internet website, webpage, online service, online
12 application, or mobile application directed to minors"
13 means an Internet website, webpage, online service, online
14 application, or mobile application, or a portion of it,
15 that is created for the purpose of reaching an audience
16 that is predominantly comprised of minors, and is not

1 intended for a more general audience comprised of adults.
2 "Internet website, webpage, online service, online
3 application, or mobile application directed to minors"
4 does not include an Internet website, webpage, online
5 service, online application, or mobile application, or a
6 portion of it, that only refers or links to an Internet
7 website, webpage, online service, online application, or
8 mobile application directed to minors by using information
9 location tools, including a directory, index, reference,
10 pointer, or hypertext link.

11 "Internet operator" means a person or entity that owns
12 an Internet website, webpage, online service, online
13 application, or mobile application. "Internet operator"
14 does not include an employee or third party that operates,
15 hosts, or manages an Internet website, webpage, online
16 service, online application, or mobile application on the
17 owner's behalf or processes information on the owner's
18 behalf.

19 (b) It is an unlawful practice under this Act for an
20 Internet operator of an Internet website, webpage, online
21 service, online application, or mobile application directed to
22 minors or an Internet operator of an Internet website, webpage,
23 online service, online application, or mobile application who
24 has actual knowledge that a minor is using its Internet
25 website, webpage, online service, online application, or
26 mobile application to:

1 (1) not permit a minor who is a registered user of the
2 Internet operator's Internet website, webpage, online
3 service, online application, or mobile application to
4 remove or, if the operator prefers, request and obtain
5 removal of content or information posted by the minor on
6 the Internet website, webpage, online service, online
7 application, or mobile application; or

8 (2) not provide notice and clear instructions to a
9 minor who is a registered user of the Internet operator's
10 Internet website, webpage, online service, online
11 application, or mobile application that the minor may
12 remove or, if the Internet operator prefers, request and
13 obtain removal of content or information posted by the
14 minor on the Internet website, webpage, online service,
15 online application, or mobile application.

16 The notice under this subsection (b) shall include notice
17 that removal does not ensure complete or comprehensive removal
18 of the content or information posted by the minor on the
19 Internet operator's Internet website, webpage, online service,
20 online application, or mobile application.

21 (c) An Internet operator shall not be found in violation of
22 this Section if:

23 (1) a provision of federal or State law requires the
24 operator to maintain the content or information posted by
25 the minor;

26 (2) the content or information posted by the minor was

1 stored on or posted to the Internet operator's Internet
2 website, webpage, online service, online application, or
3 mobile application by a third party, including content or
4 information that was stored, republished, or reposted by
5 the third party after originally being posted by the minor
6 regardless of whether the minor has had the original
7 posting removed;

8 (3) the Internet operator makes the content or
9 information posted by the minor anonymous, so that the
10 minor cannot be identified in any manner, or renders the
11 content or information posted by the minor not visible to
12 the public or other users even if the content or
13 information remains on the Internet operator's servers;

14 (4) the minor does not follow the instructions provided
15 on how to request and obtain the removal of content or
16 information posted on the Internet operator's Internet
17 website, webpage, online service, online application, or
18 mobile application; or

19 (5) the minor posting the content or information
20 received compensation or other consideration for providing
21 the content or information.

22 (d) This Section shall not be construed to limit the
23 authority of a law enforcement agency to obtain any content or
24 information from an Internet operator's Internet website,
25 webpage, online service, online application, or mobile
26 application as authorized by law or under an order of a court

1 of competent jurisdiction.

2 (e) This Section shall not be construed to require an
3 Internet operator of an Internet website, webpage, online
4 service, online application, or mobile application to collect
5 age information about users."