

Rough Draft
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REFERENCE TITLE: online content; publishers; liability; fee

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

H. B. _____

Introduced by _____

AN ACT

AMENDING TITLE 18, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 18-545; 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 18, chapter 5, article 3, Arizona Revised
3 Statutes, is amended by adding section 18-545, to read:

4 18-545. Publicly accessible online content: publishers:
5 liability; exception; annual fee; definitions

6 A. A PERSON THAT IS ENGAGED IN THE BUSINESS OF ALLOWING ONLINE
7 USERS TO UPLOAD PUBLICLY ACCESSIBLE CONTENT ON THE INTERNET AND THAT
8 EXERCISES A LEVEL OF CONTROL OVER THE UPLOADED CONTENT FOR POLITICALLY
9 BIASED REASONS IS:

10 1. DEEMED TO BE A PUBLISHER.

11 2. DEEMED TO NOT BE A PLATFORM.

12 3. LIABLE FOR DAMAGES SUFFERED BY AN ONLINE USER BECAUSE OF THE
13 PERSON'S ACTIONS. THE ATTORNEY GENERAL OR THE ONLINE USER WHO CLAIMS TO
14 HAVE SUFFERED THE DAMAGES MAY BRING AN ACTION TO RECOVER THE DAMAGES.

15 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY WHEN THE UPLOADED
16 CONTENT IS PORNOGRAPHIC OR LIBELOUS CONTENT OR CONTENT THAT ADVOCATES OR
17 PROMOTES VIOLENCE TOWARD A PERSON OR GROUP OF PERSONS.

18 C. A PUBLISHER SHALL PAY TO THE ATTORNEY GENERAL AN ANNUAL FEE AS
19 DETERMINED BY THE ATTORNEY GENERAL FOR EACH ONLINE USER IN THIS STATE THAT
20 IS AUTHORIZED TO UPLOAD PUBLICLY ACCESSIBLE CONTENT TO THE PUBLISHER'S
21 INTERACTIVE COMPUTER SERVICE. THE ATTORNEY GENERAL SHALL DEPOSIT,
22 PURSUANT TO SECTIONS 35-146 AND 35-147, ALL FEES COLLECTED PURSUANT TO
23 THIS SUBSECTION IN THE ANTITRUST ENFORCEMENT REVOLVING FUND ESTABLISHED BY
24 SECTION 41-191.02.

25 D. FOR THE PURPOSES OF THIS SECTION:

26 1. "INTERACTIVE COMPUTER SERVICE" MEANS ANY INFORMATION SERVICE OR
27 SYSTEM OR SOFTWARE PROVIDER THAT PROVIDES OR ENABLES COMPUTER ACCESS BY
28 MULTIPLE ONLINE USERS.

29 2. "CONTROL" INCLUDES EDITING, DELETING, DELISTING, BLOCKING,
30 CENSORING OR MAKING IT DIFFICULT OR IMPOSSIBLE FOR ONLINE USERS TO LOCATE
31 AND ACCESS UPLOADED CONTENT IN AN EASY OR TIMELY MANNER.

32 3. "PLATFORM" MEANS A PERSON THAT ENABLES THE CONTENT AND
33 DISTRIBUTION OF INFORMATION ON THE INTERNET.

34 4. "PUBLISHER" MEANS A PERSON THAT CURATES AND DISTRIBUTES CONTENT
35 ON THE INTERNET.