

1 (1) The computer network commonly known as the Internet and
2 any other local, regional or global computer network that is
3 similar to or is a predecessor or successor of the Internet;

4 (2) Any identifiable site on the Internet or such other
5 computer network;

6 (3) A website or other similar site on the World Wide Web;

7 (4) A site that is identifiable through a Uniform Resource
8 Location;

9 (5) A site on a computer network that is owned, operated,
10 administered or controlled by a provider of Internet service;

11 (6) A list server;

12 (7) A newsgroup; or

13 (8) A chat room.

14 "Provider of Internet service" or "provider" means any person,
15 for a fee or other consideration, provides subscribers with access
16 to the Internet.

17 A person has "reasonable cause to believe" if, in light of all
18 the surrounding facts and circumstances which are known or which
19 reasonably should be known to the person at the time, a reasonable
20 person would believe, under those facts and circumstances that an
21 act, transaction, event, situation or condition exists, is
22 occurring or has occurred.

23 **§15-14-2. Internet service provider required to provide product or**
24 **service to regulate an monitor child's use of**

1 **Internet under certain circumstances.**

2 (a) If a provider of Internet service knows or has reasonable
3 cause to believe that a subscriber resides within West Virginia,
4 the provider shall make available to the subscriber a product or
5 service which enables the subscriber to regulate a child's use of
6 the Internet service provided to the subscriber if such a product
7 or service is reasonably and commercially available for the
8 technology utilized by the subscriber to access the Internet
9 service. The product or service must, subject to such availability,
10 enable the subscriber to:

11 (1) Block all access to the Internet;

12 (2) Block access to specific websites or domains disapproved
13 by the subscriber;

14 (3) Restrict access exclusively to specific websites or
15 domains approved by the subscriber; and

16 (4) Allow the subscriber to monitor a child's use of the
17 Internet service by providing a report to the subscriber of the
18 specific websites or domains that the child has visited or has
19 attempted to visit, but could not access because the websites or
20 domains were blocked or restricted by the subscriber.

21 (b) For the purposes of subsection (a) of this section, a
22 provider of Internet service is deemed to know that a subscriber
23 resides within West Virginia if the subscriber identifies West
24 Virginia as his or her place of residence at the time of

1 subscription.

2 (c) If a product or service described in subsection (a) of
3 this section is reasonably and commercially available for the
4 technology utilized by the subscriber to access the Internet
5 service, the provider of Internet service:

6 (1) Will provide to the subscriber, at the time of
7 subscription, notice of the availability of the product or service
8 described in subsection (a) of this section. The notice must be
9 provided to the subscriber by electronic mail or in a written form
10 through another reasonable means.

11 (2) May make the product or service described in subsection
12 (a) available to the subscriber either directly or through a third-
13 party vendor. The provider or third-party vendor may charge the
14 subscriber a fee for the product or service.

15 **§15-14-3. Violation constitutes deceptive trade practice;**
16 **institution of civil penalties.**

17 (a) Any violation of this article by a provider constitutes a
18 deceptive trade practice and is punishable by institution of a
19 civil penalty, payable to the Department of Health and Human
20 Resources, in the amount of \$2,000 for each day the provider
21 violates this article

22 (b) The Attorney General may bring an action against a
23 provider to recover the money. Prior to bringing suit, the
24 Attorney General shall give the provider notice of the provider's

1 noncompliance with this article and the liability. If the provider
2 complies with this article, not later than thirty days after the
3 date of notice, the violation is cured and the provider is not
4 liable for a civil penalty.

5 (c) If a civil penalty is enforced it will not exceed \$60,000.

NOTE: The purpose of this bill is to regulate the use of the Internet by children. Adopting rules that call for Internet providers to provide parents with Internet blocking software.

This article is new; therefore, it has been completely underscored.