

1997 SESSION

INTRODUCED

970551324

HOUSE BILL NO. 1638

Offered January 8, 1997

Prefiled December 20, 1996

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 39, consisting of sections numbered 59.1-467 and 59.1-468, relating to trade and commerce; information infrastructure providers; restrictions on use of services; penalty.

Patron—Marshall

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 39, consisting of sections numbered 59.1-467 and 59.1-468, as follows:

CHAPTER 39.

INFORMATION INFRASTRUCTURE PROVIDERS; RESTRICTIONS ON USE OF SERVICES.

§ 59.1-467. Definitions.

As used in this chapter:

"Information infrastructure service" or "service" means any service furnished via the Internet, the World Wide Web, Usenet, bulletin board services, on-line services, or any similar telecommunications, cable or computerized network.

"Provider" means any person providing an information infrastructure service.

§ 59.1-468. Violation of provider's service restrictions prohibited.

A. Any person who utilizes a provider's service and violates any express content or utilization restriction (i) which such provider has placed on the use of such service and (ii) of which such person has received notice prior to utilizing such service shall, for each violation, be liable to such provider for \$500 or for actual damages, whichever amount is greater. For the purposes of this subsection, notice of a provider's restrictions shall be sufficient if contained in electronic text prominently displayed immediately upon access to any such provider's service.

B. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded pursuant to subsection A, such provider also may be awarded reasonable attorney's fees and court costs.

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