

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 123
HOUSE BILL 2413

AN ACT

AMENDING SECTIONS 44-7202 AND 44-7203, ARIZONA REVISED STATUTES; 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. Section 44-7202, Arizona Revised Statutes, is amended to
3 read:

4 44-7202. Prohibition

5 A person, WITH THE INTENT TO COMMIT FRAUD OR THEFT, shall not ~~by means~~
6 ~~of~~ USE a web page or electronic mail message or otherwise ~~using~~ USE the
7 internet TO solicit, request or take any action to induce another person to
8 provide identifying information by representing that the person, either
9 directly or by implication, is an ~~on-line~~ ONLINE business without the
10 authority or approval of the ~~on-line~~ ONLINE business.

11 Sec. 2. Section 44-7203, Arizona Revised Statutes, is amended to read:

12 44-7203. Civil remedies; damages

13 A. ~~The attorney general, or~~ A person who either is engaged in the
14 business of providing internet access service to the public or owns a web
15 page or trademark and who is adversely affected by reason of a violation of
16 this chapter, ~~may~~ bring an action against a person who violates this chapter
17 to:

- 18 1. Enjoin further violations of this chapter.
- 19 2. Recover the greater of actual damages or ~~five hundred~~ TWO thousand
20 FIVE HUNDRED dollars for each separate violation of this chapter.

21 B. A PERSON, OTHER THAN A PERSON WHO IS DESCRIBED IN SUBSECTION A OF
22 THIS SECTION, WHO IS ADVERSELY AFFECTED BY REASON OF A VIOLATION OF THIS
23 CHAPTER MAY BRING AN ACTION ONLY AGAINST THE PERSON WHO VIOLATES THIS CHAPTER
24 TO:

- 25 1. ENJOIN FURTHER VIOLATIONS OF THIS CHAPTER.
- 26 2. RECOVER THE GREATER OF ACTUAL DAMAGES OR FIVE THOUSAND DOLLARS FOR
27 EACH SEPARATE VIOLATION OF THIS CHAPTER.

28 C. THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST A PERSON WHO
29 VIOLATES THIS CHAPTER TO:

- 30 1. ENJOIN FURTHER VIOLATIONS OF THIS CHAPTER.
- 31 2. RECOVER TWO THOUSAND FIVE HUNDRED DOLLARS PER VIOLATION.

32 D. AN ACTION UNDER THIS SECTION MUST BE BROUGHT WITHIN THREE YEARS
33 AFTER THE VIOLATION IS DISCOVERED OR BY THE EXERCISE OF REASONABLE DILIGENCE
34 SHOULD HAVE BEEN DISCOVERED, WHICHEVER IS EARLIER.

35 ~~B-~~ E. In an action under this section, the court may increase a
36 damage award to an amount equal to not more than three times the amount
37 otherwise available under this section if the court determines that the
38 defendant has engaged in a pattern and practice of violating this chapter.

39 ~~C-~~ F. The attorney general may also recover reasonable attorney fees
40 and costs.

41 ~~D-~~ G. For the purposes of this section, multiple violations of this
42 chapter resulting from any single action or act shall constitute one
43 violation.

44 Sec. 3. Legislative intent

45 It is the intent of the legislature to penalize the unlawful gathering
46 of identifying information and the unpermitted use of another's goodwill to
47 secure business or identifying information.

H.B. 2413

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.