

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2005

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 18, Arizona Revised Statutes, is amended by adding
3 chapter 7, to read:

4 CHAPTER 7

5 DIGITAL APPLICATION DISTRIBUTION PLATFORMS

6 ARTICLE 1. GENERAL PROVISIONS

7 18-701. Digital application distribution platforms;
8 prohibitions; exception; civil action; definitions

9 A. A PROVIDER OF A DIGITAL APPLICATION DISTRIBUTION PLATFORM FOR
10 WHICH CUMULATIVE DOWNLOADS OF SOFTWARE APPLICATIONS FROM THE DIGITAL
11 APPLICATION DISTRIBUTION PLATFORM TO ARIZONA USERS EXCEED ONE MILLION
12 DOWNLOADS IN THE PREVIOUS OR CURRENT CALENDAR YEAR MAY NOT DO ANY OF THE
13 FOLLOWING:

14 1. REQUIRE A DEVELOPER THAT IS DOMICILED IN THIS STATE TO USE A
15 PARTICULAR IN-APPLICATION PAYMENT SYSTEM AS THE EXCLUSIVE MODE OF ACCEPTING
16 PAYMENTS FROM A USER TO DOWNLOAD A SOFTWARE APPLICATION OR PURCHASE A
17 DIGITAL OR PHYSICAL PRODUCT OR SERVICE THROUGH A SOFTWARE APPLICATION.

18 2. REQUIRE EXCLUSIVE USE OF A PARTICULAR IN-APPLICATION PAYMENT
19 SYSTEM AS THE EXCLUSIVE MODE OF ACCEPTING PAYMENTS FROM ARIZONA USERS TO
20 DOWNLOAD A SOFTWARE APPLICATION OR PURCHASE A DIGITAL OR PHYSICAL PRODUCT
21 OR SERVICE THROUGH A SOFTWARE APPLICATION.

22 3. RETALIATE AGAINST A DEVELOPER THAT IS DOMICILED IN THIS STATE OR
23 AN ARIZONA USER FOR USING AN IN-APPLICATION PAYMENT SYSTEM OR DIGITAL

1 APPLICATION DISTRIBUTION PLATFORM THAT IS NOT OWNED BY, OPERATED BY OR
2 AFFILIATED WITH THE PROVIDER OR RETALIATE AGAINST A DEVELOPER FOR THAT USE
3 TO DISTRIBUTE APPLICATIONS TO OR ACCEPT PAYMENTS FROM ARIZONA USERS.

4 B. AN AGREEMENT THAT VIOLATES THIS SECTION IS UNENFORCEABLE AND IS
5 DEEMED A VIOLATION OF THIS SECTION.

6 C. THIS SECTION DOES NOT APPLY WITH RESPECT TO SPECIAL-PURPOSE
7 DIGITAL APPLICATION DISTRIBUTION PLATFORMS.

8 D. THE ATTORNEY GENERAL SHALL RECEIVE COMPLAINTS AND INVESTIGATE
9 VIOLATIONS OF THIS SECTION AND MAY BRING AN ACTION IN ANY COURT OF
10 COMPETENT JURISDICTION TO OBTAIN LEGAL OR EQUITABLE RELIEF ON BEHALF OF A
11 PERSON AGGRIEVED BY THE VIOLATION.

12 E. A PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION MAY BRING AN
13 ACTION FOR APPROPRIATE INJUNCTIVE OR OTHER EQUITABLE RELIEF, DAMAGES,
14 TAXABLE COSTS AND REASONABLE ATTORNEY FEES. THIS SUBSECTION DOES NOT LIMIT
15 ANY OTHER CLAIM A PERSON MAY HAVE UNDER ANY OTHER PROVISION OF LAW.

16 F. FOR THE PURPOSES OF THIS SECTION:

17 1. "ARIZONA USER" MEANS A USER WHOSE MOST RECENT ADDRESS SHOWN IN
18 THE RECORDS OF A PROVIDER IS LOCATED WITHIN THIS STATE.

19 2. "DEVELOPER" MEANS A CREATOR OF SOFTWARE APPLICATIONS THAT ARE
20 MADE AVAILABLE FOR DOWNLOAD BY USERS THROUGH A DIGITAL APPLICATION
21 DISTRIBUTION PLATFORM OR OTHER DIGITAL DISTRIBUTION PLATFORM.

22 3. "DIGITAL APPLICATION DISTRIBUTION PLATFORM":

23 (a) MEANS A DIGITAL DISTRIBUTION PLATFORM FOR APPLICATIONS AND
24 SERVICES THAT ARE PROVIDED TO USERS ON GENERAL-PURPOSE HARDWARE, INCLUDING
25 MOBILE PHONES, SMARTPHONES, TABLETS, PERSONAL COMPUTERS AND OTHER
26 GENERAL-PURPOSE DEVICES THAT ARE CONNECTED TO THE INTERNET.

27 (b) INCLUDES A DIGITAL DISTRIBUTION PLATFORM THAT IS PROVIDED OR
28 USED FOR ONLY CERTAIN TYPES OF DEVICES, SUCH AS CERTAIN GRADES OF COMPUTING
29 DEVICE, DEVICES THAT ARE MADE BY ONLY A PARTICULAR MANUFACTURER OR DEVICES
30 THAT RUN A PARTICULAR OPERATING SYSTEM.

1 4. "DOMICILED IN THIS STATE" MEANS A PERSON THAT CONDUCTS IN THIS
2 STATE THE SUBSTANTIAL PORTION OF WORK TO CREATE OR TO MAINTAIN DIGITAL
3 APPLICATIONS.

4 5. "IN-APPLICATION PAYMENT SYSTEM" MEANS AN APPLICATION, SERVICE OR
5 USER INTERFACE THAT IS USED TO PROCESS PAYMENTS FROM USERS TO DEVELOPERS
6 FOR SOFTWARE APPLICATIONS AND DIGITAL AND PHYSICAL PRODUCTS AND SERVICES
7 DISTRIBUTED THROUGH SOFTWARE APPLICATIONS.

8 6. "PROVIDER" MEANS A PERSON THAT OWNS, OPERATES, IMPLEMENTS OR
9 MAINTAINS A DIGITAL APPLICATION DISTRIBUTION PLATFORM OR AN IN-APPLICATION
10 PAYMENT SYSTEM.

11 7. "SPECIAL-PURPOSE DIGITAL APPLICATION DISTRIBUTION PLATFORM" MEANS
12 A DIGITAL DISTRIBUTION PLATFORM FOR SINGLE OR SPECIALIZED CATEGORIES OF
13 APPLICATIONS, SOFTWARE AND SERVICES THAT ARE PROVIDED TO USERS ON HARDWARE
14 INTENDED PRIMARILY FOR SPECIFIC PURPOSES, INCLUDING GAMING CONSOLES, MUSIC
15 PLAYERS AND OTHER SPECIAL-PURPOSE DEVICES THAT ARE CONNECTED TO THE
16 INTERNET."

17 Amend title to conform

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C: NS