

HOUSE BILL No. 4680

May 1, 2001, Introduced by Reps. Bogardus, Hale, Kolb, Quarles, Ruth Johnson, Spade, Gielegem, Woodward and Jacobs and referred to the Committee on Commerce.

A bill to regulate internet service providers and certain internet users; to provide certain rights of privacy associated with the use of the internet; and to provide remedies and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "internet privacy act".

3 Sec. 2. As used in this act:

4 (a) "Internet" means a worldwide interconnection of individ-
5 ual computers and computer networks and the facilities and equip-
6 ment used to access those interconnected computers and computer
7 networks.

8 (b) "Internet service provider" means a person who is in the
9 business of providing customers with access to the internet.

1 (c) "Person" means an individual, partnership, corporation,
2 association, governmental entity, or other legal entity.

3 (d) "Personal nonpublic information" means personal informa-
4 tion about an individual including, but not limited to, an
5 individual's social security number, home address, business
6 address, electronic mail address, telephone number, or medical
7 information, that the individual has not authorized in writing to
8 be disclosed.

9 Sec. 3. (1) An internet service provider shall not keep
10 records in any form or format of a customer's browsing patterns
11 or sell or distribute that information without first obtaining
12 the customer's written authorization.

13 (2) If a customer notifies an internet service provider that
14 the customer does not want the internet service provider to keep
15 records of the customer's browsing patterns, the internet service
16 provider shall not keep those records.

17 Sec. 4. An internet service provider shall not divulge a
18 customer's electronic mail messages without first obtaining the
19 customer's written authorization.

20 Sec. 5. Except as otherwise provided in section 6, a person
21 who violates this act is guilty of a misdemeanor punishable by
22 imprisonment for not more than 90 days or a fine of not more than
23 \$1,000.00, or both.

24 Sec. 6. A person who does either of the following is guilty
25 of a misdemeanor punishable by imprisonment for not more than
26 6 months or a fine of not more than \$5,000.00, or both:

1 (a) Places personal nonpublic information regarding an
2 individual on the internet with the intent to cause an individual
3 physical or financial harm.

4 (b) Distributes or uses personal nonpublic information
5 regarding an individual obtained from the internet with the
6 intent to cause an individual physical or financial harm.

7 Sec. 7. A person who suffers injuries as a result of a vio-
8 lation of this act may file a civil action against a person who
9 violates this act to recover damages and reasonable attorney fees
10 for their injuries.