STATE OF NEW YORK

9109

IN ASSEMBLY

February 7, 2024

Introduced by M. of A. VANEL -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to internet dating service verification standards

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 394-cccc to read as follows:

§ 394-cccc. Internet dating service verification standards. 1. As used in this section, the following terms shall have the following meanings:

(a) "identity verification" shall mean the use of an on-demand self-photograph to verify the ownership of a person's government-issued identification;

(b) "internet dating service" shall mean a person or entity directly or indirectly in the business, for profit, of offering, promoting, or providing access to dating, relationship, compatibility, or matrimonial or social referral services principally on or through the internet;

(c) "license verification" shall mean the use of technology to verify a person's government-issued identification;

(d) "location verification" shall mean the use of technology to determine a person's approximate location;

(e) "member" means a customer, client or participant who submits to an internet dating service information required to access the service for the purpose of engaging in dating, relationship, compatibility, matrimonial, or social referral service;

(f) "minor" shall mean a New York resident who is under the age of eighteen;

(g) "New York member" shall mean a member who registers for an internet dating service and whose primary location is the state of New York; and

(h) "primary location" shall mean the state in which the member resides.

2. Prior to registering a member for their service, an internet dating service offering services to New York members shall:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD14365-02-4

(a) require all members to use location verification to verify whether a member is located in the state of New York;

(b) require all New York members to use license verification for such service. Where it is determined from the license verification that the New York member is a minor, such member shall be prohibited from using the online dating service; and

(c) require such New York members to provide identity verification to such service.

3. An internet dating service offering services to New York members shall implement a reasonable security feature that prohibits usage of the online dating service that is triggered during any significant period of inactive use.

4. An online dating service offering services to New York members shall use reasonable measures to determine a member's primary location. Where such primary location of a member is the state of New York, such online dating service shall require such member to engage in the verification processes required by this section. Where the member is not determined to reside in New York, such member shall not be required to engage in the verification processes required by this section.

5. (a) The attorney general may bring an action against an internet dating service that violates the provisions of this section:

(i) To enjoin further violation of the provisions of this section; and

(ii) To recover up to five hundred dollars for each New York member registered with the internet dating service but was not subjected to the verification processes required by this section.

(b) In an action under subparagraph (ii) of paragraph (a) of this subdivision, a court may increase the damages up to three times the damages allowed by such paragraph where the defendant has been found to have engaged in a pattern and practice of violating the provisions of this section.

(c) No internet dating service provider shall be deemed to have violated the provisions of this section if such internet dating service shows, by a preponderance of the evidence, that the violation was not intentional and resulted from a bona fide error made notwithstanding the maintenance of procedures reasonably adopted to avoid such error.

(d) Nothing in this section shall be construed to restrict any right which any person may have under any other statute or common law.

6. An internet service provider does not violate this section solely as a result of serving as an intermediary for the transmission of electronic messages between members of an internet dating service.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.