

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1267

Short Title: Amend Liability of Social Networking Sites. (Public)

Sponsors: Representatives Blue; and Lucas.

Referred to: Science and Technology, if favorable, Judiciary II.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL
SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE
HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS
ON THE WEB SITE IF THE WEB SITE MAKES A GOOD FAITH ATTEMPT TO
SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-202.5A reads as rewritten:

"§ 14-202.5A. Liability of commercial social networking sites.

(a) ~~Notwithstanding the provisions of G.S. 14-208.15A(f), a commercial social networking site, as defined in G.S. 14-202.5, may be held civilly liable for damages for failing to make reasonable efforts to prevent a sex offender who is registered in accordance with Article 27A of Chapter 14 of the General Statutes to access its Web site.~~ A commercial social networking site, as defined in G.S. 14-202.5, that complies with G.S. 14-208.15A or makes other reasonable efforts to prevent a sex offender who is registered in accordance with Article 27A of Chapter 14 of the General Statutes from accessing its Web site shall not be held civilly liable for damages arising out of a person's communications on the social networking site's system or network regardless of that person's status as a registered sex offender in North Carolina or any other jurisdiction.

(b) For the purposes of this section, "access" is defined as allowing the sex offender to do any of the activities or actions described in G.S. 14-202.5(b)(2) through G.S. 14-202.5(b)(4) by utilizing the Web site."

SECTION 2. This act becomes effective December 1, 2009.

