

HOUSE BILL NO. 783

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

1233H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to terms of service, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.995, to read as follows:

407.995. 1. As used in this section, the following terms mean:

(1) "Marketplace facilitator", any entity that hosts a platform that connects buyers of a service or product with a seller of the service or product;

(2) "Online business", any marketplace facilitator, social media company, or other entity that allow users to comment or post on the entity's website.

2. The terms of service of an online business shall clearly state prohibited acts or conduct that could result in suspension or termination of a user's account, banning a user, or censoring or flagging a user's act or conduct. An online business shall require users to agree to the terms described under this subsection separately from other terms of service.

3. Any change to the terms of service of an online business that prohibits previously permitted acts or conduct:

(1) Shall clearly state the changes separately from other terms;

(2) Shall be agreed to by users separately from other terms of service; and

(3) Shall not apply retroactively to previous acts or conduct and shall only apply to a user's acts or conduct committed under the new terms of service.

4. (1) The attorney general shall enforce the requirements of this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(2) An enforcement action shall be initiated by means of a written, signed complaint**
18 **under penalty of perjury as defined in section 575.040 to the attorney general submitted**
19 **by any business entity or state resident. A valid complaint shall include an allegation that**
20 **describes the alleged violation.**

21 **(3) The first violation of this section by an online business shall be punishable by**
22 **a fine of one hundred dollars. A second violation shall be punishable by a fine of two**
23 **hundred dollars. A third or subsequent violation shall be punished by a fine of one**
24 **thousand five hundred dollars. Each incident shall be considered a separate violation.**

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