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RULE ADOPTIONS

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Adopted New Rules: N.J.A.C. 13:45A-6

Internet Dating Services

Proposed: July 7, 2008 at 40 N.J.R. 3957(a).

Adopted: April 29, 2009 by David Szuchman, Director, New Jersey Division of Consumer Affairs, in consultation with Anne Milgram, Attorney General.

Filed: July 2, 2009 as R.2009 d.240, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 56:8-174.

Effective Date: August 3, 2009.

Expiration Date: March 21, 2011.

Federal Standards Statement

A Federal standards analysis is not required because the new rules are not subject to any Federal standards or requirements.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 6. INTERNET DATING SERVICES

13:45A-6.1 Purpose and scope

(a) The purpose of this subchapter is to require Internet dating services to make disclosures in addition to those required by P.L. 2007, c. 272, N.J.S.A. 56:8-168 et seq. (Act), in order to effectuate the purposes of the Act.

(b) The subchapter applies to Internet dating services that offer dating services over the Internet to residents of the State and accept membership applications from residents of the State.

13:45A-6.2 Definitions

The following words and terms as used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

"Criminal background screening" means a name search for a person's criminal convictions initiated by an on-line dating service provider and conducted by one of the following means:

1. By searching available and regularly updated government public record databases for criminal convictions, so long as such databases, in the aggregate, provide substantial national coverage; or
2. By searching a database maintained by a private vendor that is regularly updated and is maintained in the United States with substantial national coverage of criminal history records and sexual offender registries.

"Internet dating service" means a person or entity directly or indirectly in the business of offering, promoting or providing access to dating, relationship, compatibility, matrimonial or social referral services principally on or through the Internet for profit, where the profit is derived from fees from members, advertising, or any other source.

"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.

"New Jersey member" means a member who provides a New Jersey address or zip code when registering with the service.

13:45A-6.3 Criminal background information

(a) An *[internet]* **Internet** dating service that conducts criminal background screenings on its members shall, in addition to the disclosures required by P.L. 2007, c. 272 (N.J.S.A. 56:8-171(d)), disclose, clearly and conspicuously, to all New Jersey members:

1. The means that it uses to conduct the criminal background screenings;

[2. The means by which it verifies the identity of the member for the purpose of conducting the background screening;]

2. A description of how the criminal background screening is conducted, including how the means disclosed pursuant to (a)1 above are utilized, whether it updates criminal background screening information, and if so, how often the update is performed;

3. Whether it allows a member who has been identified as having a conviction for any crime, including, but not limited to, any sex offense, that would qualify the offender for registration pursuant to section 2 of P.L. 1994, c. 133 (N.J.S.A. 2C:7-2) or under another jurisdiction's equivalent statute to have access to its service to communicate with any New Jersey member; and

4. What crimes, if any, disqualify a member from having access to its service to communicate with any New Jersey member.

(b) The disclosures required by (a) above shall be provided in bold letters in at least 12-point type on the website pages *[used when a New Jersey member signs up.]* ***on which a New Jersey member is requested to provide personal information. The disclosures may be provided on a single webpage, such as the home page, provided that a link to the disclosures is conspicuously displayed on all the webpages [page=2980] on which a New Jersey member is requested to provide personal information.***

13:45A-6.4 Date of criminal background information

An Internet dating service that discloses that it conducts a criminal background screening on members shall ***conspicuously*** display on the webpage containing a member's profile *[the date as of which the criminal background screening on that member was conducted or updated]* ***the service's policy, or a link to the policy, regarding the updating of criminal background screening information*.**

