A BILL for an Act to permit civil actions against social media sites for censoring speech.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

Social media site censorship - Civil action.

1. As used in this section:
   a. "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.
   b. "Social media site" means a website through which users are able to share and generate content and find and connect with other users of common interests.

2. If an interactive computer service provider restricts, censors, or suppresses information that does not pertain to obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable subject matter, the interactive computer service provider is liable in a civil action for damages to the person whose speech is restricted, censored, or suppressed, and to any person who reasonably otherwise would have received the writing, speech, or publication. This section only applies if the interactive computer service provider:
   a. Is immune from civil liability under federal law;
   b. Is not considered a publisher;
   c. Has over one million users; and
   d. Is a provider of a social media site.
Sixty-seventh
Legislative Assembly

3. A person whose writing, speech, or publication is restricted, censored, or suppressed under this section, or a person that reasonably otherwise would have received the writing, speech, or publication, is entitled to civil damages including treble damages for compensatory, consequential, and incidental damages. The court also may award punitive damages.

4. An action for civil damages under this section may be brought in the district court in the county where the person being infringed, censored, or suppressed, or the person who reasonably would have otherwise received the writing, speech, or publication, resides.

5. The district court shall award attorney's fees to a prevailing plaintiff.

6. Immune from civil liability in subsection 2 means an action by an interactive computer service provider:
   a. Taken voluntarily in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, regardless whether the material is constitutionally protected; or
   b. Taken to enable or make available to information content providers or others the technical means to restrict access to material described in subdivision a.

7. An interactive computer service provider may state affirmatively in the provider's terms of service that the provider is a publisher. If the statement is agreed upon by the person that is restricted, censored, or suppressed, and any person who reasonably would have otherwise received the writing, speech, or publication, subsection 2 does not apply.

8. Notwithstanding subsection 2, an interactive computer service provider may limit content to subject matter expressly stated in the provider's terms of service.