

HOUSE BILL 3523

By Harwell

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18, Part 1, relative to covered file-sharing
programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-103, is amended by adding the following as a new subdivision:

() "Covered file-sharing program" means a computer program, application, or software that enables the computer on which such program, application, or software is installed to designate files available for searching by and copying to one (1) or more other computers; transmit such designated files directly to one (1) or more other computers; and request the transmission of such designated files directly from one (1) or more other computers. "Covered file-sharing program" does not include a program, application, or software designed primarily to operate as a server that is accessible over the Internet using the Internet domain name system; to transmit or receive email messages, instant messaging, real-time audio or video communications, or real-time voice communications; or to provide network or computer security, network management, hosting and backup services, maintenance, diagnostics, technical support or repair, or to detect or prevent fraudulent activities;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

(46)

(A) Installing, offering to install, or making available for installation, reinstallation or download a covered file-sharing program on a computer not

owned by the person who installs, offers to install, or makes available for installation or download without, prior to such installation or download or prior to any update of the program, providing clear and conspicuous notice to the owner or authorized user of the computer that the files on that computer will be made available to the public without requiring intentional and affirmative activation of the file-sharing function of such covered file-sharing program by the owner or authorized user of the computer; or

(B) Preventing reasonable efforts to block the installation, execution, or disabling of a covered file-sharing program.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.