

110TH CONGRESS
2D SESSION

S. 3315

To prohibit the distribution or sale of video games that do not have age-based content rating labels, to prohibit the sale or rental of video games with adult content ratings to minors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2008

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the distribution or sale of video games that do not have age-based content rating labels, to prohibit the sale or rental of video games with adult content ratings to minors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Video Game Rating
5 Enforcement Act of 2008”.

1 **SEC. 2. PROHIBITION ON DISTRIBUTION OR SALE OF VIDEO**
2 **GAMES WITHOUT AGE-BASED CONTENT RAT-**
3 **ING LABELS.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—It shall be unlawful for any
6 person to ship or otherwise distribute in interstate
7 commerce, or to sell or rent, a video game that does
8 not contain an age-based content rating label, in a
9 clear and conspicuous location on the outside pack-
10 aging of the video game.

11 (2) AGE-BASED CONTENT RATING LABEL.—In
12 this subsection, the term “age-based content rating
13 label” means, with respect to a video game, a label
14 that describes the age appropriateness of the content
15 of such video game that is determined by the Enter-
16 tainment Software Ratings Board.

17 (b) RULES FOR POSTING RATINGS INFORMATION.—

18 Not later than 180 days after the date of the enactment
19 of this Act, the Federal Trade Commission shall promul-
20 gate rules that require all retail establishments engaged
21 in the sale of video games to display, in a clear and con-
22 spicuous location, information about the content rating
23 system of the Entertainment Software Ratings Board.
24 Such rules shall prescribe the information required to be
25 displayed concerning the basic age-based content ratings
26 of such Board.

1 **SEC. 3. PROHIBITION ON THE SALE OR RENTAL TO MINORS**
2 **OF VIDEO GAMES WITH ADULT-CONTENT**
3 **RATINGS.**

4 It shall be unlawful for any person to sell or rent,
5 or attempt to sell or rent—

6 (1) any video game that has an age-based con-
7 tent rating of “Adults Only” (as determined by the
8 Entertainment Software Ratings Board) to any per-
9 son under the age of 18; or

10 (2) any video game that has an age-based con-
11 tent rating of “Mature” (as determined by such
12 Board) to any person under the age of 17.

13 **SEC. 4. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

14 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A
15 violation of a prohibition described in sections 2(a) or 3
16 or a rule promulgated under section 2(b) shall be treated
17 as a violation of a rule defining an unfair or deceptive
18 act or practice prescribed under section 18(a)(1)(B) of the
19 Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

20 (b) ACTIONS BY THE FEDERAL TRADE COMMIS-
21 SION.—The Federal Trade Commission shall enforce the
22 provisions of this Act in the same manner, by the same
23 means, and with the same jurisdiction, powers, and duties
24 as though all applicable terms and provisions of the Fed-
25 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
26 incorporated into and made a part of this Act.

1 (c) PENALTY.—Notwithstanding section 5(m) of the
2 Federal Trade Commission Act (15 U.S.C. 45(m)), any
3 person who violates a prohibition described in section 2(a)
4 or 3 or a rule promulgated under section 2(b) of this Act
5 shall be subject to a civil penalty of not more than \$5,000
6 per violation.

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