

109TH CONGRESS
2D SESSION

H. R. 6120

To prohibit deceptive acts and practices in the content rating and labeling
of video games.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2006

Mr. UPTON (for himself, Mr. RUSH, Mr. WYNN, Mr. PITTS, Mr. SHIMKUS,
Mr. TERRY, Mr. PENCE, Mr. WOLF, Mr. HOEKSTRA, Mrs. BLACKBURN,
Mr. WELDON of Pennsylvania, and Mr. CAMP) introduced the following
bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit deceptive acts and practices in the content rating
and labeling of video games.

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 Decency
5 Act of 2006”.

6 **SEC. 2. REQUIREMENTS FOR CONTENT RATING OF VIDEO**
7 **GAMES.**

8 It shall be unlawful for any person to ship or other-
9 wise distribute in interstate commerce any video game

1 that contains a rating label containing an age-based con-
2 tent rating for that video game where the person, with
3 the intent of obtaining a less restrictive age-based content
4 rating, failed to disclose content of the video game that
5 was required to be disclosed to the independent ratings
6 organization that assigned such age-based content rating,
7 and which resulted in the video game receiving a less-re-
8 strictive age-based content rating than otherwise would
9 have resulted.

10 **SEC. 3. UNFAIR OR DECEPTIVE ACT OR PRACTICE.**

11 A violation of section 2 shall be treated as an unfair
12 or deceptive act or practice affecting commerce within the
13 meaning proscribed in section 5(a)(1) of the Federal
14 Trade Commission Act (15 U.S.C. 45(a)(1)), and shall be
15 treated by the Commission as a violation of a rule under
16 section 18(a) of such Act.

17 **SEC. 4. DEFINITIONS.**

18 As used in this Act—

19 (1) the term “age-based content rating” means
20 the classification assigned by an independent rating
21 organization to a video game for the purpose of in-
22 forming consumers about the potential suitability of
23 a video game for particular age groups;

24 (2) the term “content”, with respect to a video
25 game, means—

1 (A) the software contained in the video
2 game that is capable of rendering, depicting,
3 displaying, or activating scenes, images, words,
4 or sounds on a computer or telecommunication
5 device; and

6 (B) any scenes, images, words, or sounds
7 contained in the video game;

8 (3) the term “independent rating organization”
9 means the Entertainment Software Rating Board or
10 any other organization that assigns age-based con-
11 tent ratings for video games; and

12 (4) the term “video game” means any product,
13 whether distributed electronically or through a tan-
14 gible device, consisting of data, programs routines,
15 instructions, applications, symbolic languages, or
16 similar electronic information (collectively referred to
17 as “software”) that controls the operation of a com-
18 puter or telecommunication device and that enables
19 a user to interact with a computer controlled virtual
20 environment for entertainment purposes.

21 **SEC. 5. EFFECT ON OTHER LAWS.**

22 This Act supersedes any provision of a statute, regu-
23 lation, or rule of a State or political subdivision of a State
24 that regulates the rating of video game content, or regu-
25 lates the sale, rental, or display of a video game on the

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- 1 basis of the video game's constitutionally protected con-
- 2 tent.

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