§ 66-509. Enforcement.

(a) Violations of this Article are subject to the imposition of civil penalties. In determining the amount of the penalty, the Attorney General shall consider the degree and extent of harm caused by the violation. A civil penalty under this Article shall accrue on a per day and per image basis. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) The Attorney General may impose a civil penalty on any online entity operator that violates this Article in an amount of not more than ten thousand dollars ($10,000) for each day during which a pornographic image remains on the online entity, beginning 24 hours after the Attorney General provides notice of the violation to the operator.

(c) The Attorney General may impose a civil penalty on any online entity operator that violates G.S. 66-507(b) in an amount of not more than ten thousand dollars ($10,000) for each day during which the online entity remains in violation, beginning 24 hours after the Attorney General provides notice of the violation to the operator.

(d) The Attorney General may impose a civil penalty on any online entity operator that violates G.S. 66-507(c) in an amount of not more than five thousand dollars ($5,000) for each day during which the online entity remains in violation of that subsection, beginning 24 hours after the Attorney General provides notice of the violation to the operator.

(e) An online entity operator shall not be liable for a violation of this Article if, in allowing the publishing of a pornographic image to the online entity, the operator reasonably relied on verification materials that were later found to be in violation of this Article, provided that the operator removes the pornographic image not later than 24 hours after receiving notice that the verification materials are in violation of this Article.

(f) If an online entity operator fails to remove a pornographic image within 24 hours of receiving notice that the verification materials are in violation of this Article, damages shall be calculated with respect to each day on or after the date on which that 24-hour period expires.

(g) If an online entity operator violates this Article with respect to a pornographic image, any eligible person may bring a civil action against the online entity operator for damages in an amount equal to (i) ten thousand dollars ($10,000) for each day during which a pornographic image remains on the online entity in violation of this Article, calculated on a per day and per image basis, or (ii) actual damages, whichever is greater. A prevailing eligible person shall be awarded attorneys' fees.

(h) If a user of an online entity violates this Article with respect to a pornographic image, any eligible person may bring a civil action against the user for damages in an amount equal to (i) ten thousand dollars ($10,000) for each day during which the pornographic image remains on the online entity in violation of this Article, calculated on a per day and per image basis, or (ii) actual damages, whichever is greater. A prevailing eligible person shall be awarded attorneys' fees. (2025-84, s. 2(a).)