

HB 2396 - S COMM AMD

By Committee on Environment, Energy & Technology

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Bot" means an automated online account where all or
7 substantially all of the actions or posts of that account are not the
8 result of a person.

9 (2) "Online" means appearing on any public-facing internet web
10 site, web application, or digital application, including a social
11 network or publication.

12 (3) "Online platform" means any public-facing internet web site,
13 web application, or digital application, including a social network
14 or publication, that has ten million or more unique monthly United
15 States visitors or users for a majority of months during the
16 preceding twelve months.

17 (4) "Person" means a natural person, corporation, limited
18 liability company, partnership, joint venture, association, estate,
19 trust, government, governmental subdivision or agency, or other legal
20 entity or any combination thereof.

21 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2)
22 of this section, it shall be unlawful for any person to use a bot to
23 communicate or interact with another person in Washington online,
24 with the intent to mislead the other person about its artificial
25 identity for the purpose of knowingly deceiving the person about the
26 content of the communication to incentivize a purchase or sale of
27 goods or services in a commercial transaction.

28 (2) A person using a bot shall not be liable under subsection (1)
29 of this section if the person discloses that it is a bot.

1 (3) The disclosure required under this section shall be clear,
2 conspicuous, and reasonably designed to inform persons with whom the
3 bot communicates or interacts that it is a bot.

4 NEW SECTION. **Sec. 3.** (1) The duties and obligations imposed by
5 this chapter are cumulative with any other duties or obligations
6 imposed by any other law.

7 (2) If any provision of this act or its application to any person
8 or circumstance is held invalid, the remainder of the act or the
9 application of the provision to other persons or circumstances is not
10 affected.

11 (3) This chapter does not impose a duty on service providers of
12 online platforms including, but not limited to, web hosting and
13 internet service providers.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17A
15 RCW under the subchapter heading "political advertising and
16 electioneering communications" to read as follows:

17 (1) Except as provided in subsection (2) of this section, it is
18 unlawful for any person to use a bot to communicate or interact with
19 another person in Washington for the purposes of online political
20 advertising, with the intent to mislead the other person about its
21 artificial identity for the purpose of knowingly deceiving the person
22 about the content of the communication.

23 (2) A person using a bot for political advertising shall not be
24 liable under subsection (1) of this section if the person discloses
25 that it is a bot.

26 (3) The disclosure required under this section shall be clear,
27 conspicuous, and reasonably designed to inform persons with whom the
28 bot communicates or interacts that it is a bot.

29 (4) For the purposes of this section, the following definitions
30 apply unless the context clearly requires otherwise:

31 (a) "Bot" has the meaning provided in section 1 of this act.

32 (b) "Online" has the meaning provided in section 1 of this act.

33 (c) "Online platform" has the meaning provided in section 1 of
34 this act.

35 (d) "Person" has the meaning provided in section 1 of this act.

36 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act
37 constitute a new chapter in Title 19 RCW.

1 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2021."

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2 On page 1, line 2 of the title, after "sites;" strike the
3 remainder of the title and insert "adding a new section to chapter
4 42.17A RCW; adding a new chapter to Title 19 RCW; and providing an
5 effective date."

EFFECT: (1) Removes the requirement for online platforms to enable a user to report a suspected bot communication that violates bot disclosure requirements.

(2) Removes corresponding online platform requirements related to investigating and responding to a user report of a suspected bot communication that violates bot disclosure requirements.

(3) Provides that the requirements in the chapter do not impose a duty on service providers of online platforms, including web hosting and internet service providers.

(4) Removes provisions related to the enforcement of a commercial bot disclosure violation under the Consumer Protection Act.

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