

Senate Bill No. 1001

CHAPTER 892

An act to add Chapter 6 (commencing with Section 17940) to Part 3 of Division 7 of the Business and Professions Code, relating to bots.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1001, Hertzberg. Bots: disclosure.

Existing law regulates various businesses to, among other things, preserve and regulate competition, prohibit unfair trade practices, and regulate advertising.

This bill would, with certain exceptions, make it unlawful for any person to use a bot to communicate or interact with another person in California online with the intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. The bill would define various terms for these purposes. The bill would make these provisions operative on July 1, 2019.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 17940) is added to Part 3 of Division 7 of the Business and Professions Code, to read:

CHAPTER 6. BOTS

17940. For purposes of this chapter:

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

(b) "Online" means appearing on any public-facing Internet Web site, Web application, or digital application, including a social network or publication.

(c) "Online platform" means any public-facing Internet Web site, Web application, or digital application, including a social network or publication, that has 10,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months.

(d) "Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, government,

governmental subdivision or agency, or other legal entity or any combination thereof.

17941. (a) It shall be unlawful for any person to use a bot to communicate or interact with another person in California online, with the intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. A person using a bot shall not be liable under this section if the person discloses that it is a bot.

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

17942. (a) The duties and obligations imposed by this chapter are cumulative with any other duties or obligation imposed by any other law.

(b) The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(c) This chapter does not impose a duty on service providers of online platforms, including, but not limited to, Web hosting and Internet service providers.

17943. This chapter shall become operative on July 1, 2019.