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HOUSE BILL 2396

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Hudgins, Tarleton, and Wylie

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1 AN ACT Relating to the regulation of bot communication on public-  
2 facing internet web sites; adding a new section to chapter 42.17A  
3 RCW; adding a new chapter to Title 19 RCW; and providing an effective  
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The definitions in this section apply  
7 throughout this chapter unless the context clearly requires  
8 otherwise.

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

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

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

20 (4) "Person" means a natural person, corporation, limited  
21 liability company, partnership, joint venture, association, estate,

1 trust, government, governmental subdivision or agency, or other legal  
2 entity or any combination thereof.

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

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

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

15 NEW SECTION. **Sec. 3.** (1) An online platform shall enable users  
16 to identify and report bots that the user suspects of violating this  
17 chapter or section 6 of this act.

18 (2)(a) After receiving notice of a bot under subsection (1) of  
19 this section, an online platform shall expeditiously investigate and  
20 determine whether or not to disclose that the bot is not a natural  
21 person or remove the bot.

22 (b) An online platform's investigation and response shall be  
23 expeditious if it occurs within seventy-two hours of receipt of the  
24 notice.

25 (3) Upon request of the attorney general, an online platform  
26 shall provide reports detailing notices received under subsection (2)  
27 of this section and actions taken in response.

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

31 (2) If any provision of this act or its application to any person  
32 or circumstance is held invalid, the remainder of the act or the  
33 application of the provision to other persons or circumstances is not  
34 affected.

35 NEW SECTION. **Sec. 5.** The legislature finds that the practices  
36 covered by this chapter are matters vitally affecting the public

1 interest for the purpose of applying chapter 19.86 RCW. A violation  
2 of this chapter is not reasonable in relation to the development and  
3 preservation of business and is an unfair or deceptive act in trade  
4 or commerce and an unfair method of competition for the purpose of  
5 applying chapter 19.86 RCW.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17A  
7 RCW under the subchapter heading "political advertising and  
8 electioneering communications" to read as follows:

9 (1) Except as provided in subsection (2) of this section, it is  
10 unlawful for any person to use a bot to communicate or interact with  
11 another person in Washington for the purposes of online political  
12 advertising, with the intent to mislead the other person about its  
13 artificial identity for the purpose of knowingly deceiving the person  
14 about the content of the communication.

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

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

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

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

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

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

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

28 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act  
29 constitute a new chapter in Title 19 RCW.

30 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2021.

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