**2396 AMS ENET S7188.1 - NOT FOR FLOOR USE**

**HB 2396** - S COMM AMD

By Committee on Environment, Energy & Technology

Strike everything after the enacting clause and insert the following:

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

(1) "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.

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

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

(4) "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.

NEW SECTION. **Sec.**  (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to use a bot to communicate or interact with another person in Washington 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 to incentivize a purchase or sale of goods or services in a commercial transaction.

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

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

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

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

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

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

(1) Except as provided in subsection (2) of this section, it is unlawful for any person to use a bot to communicate or interact with another person in Washington for the purposes of online political advertising, 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.

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

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

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

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

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

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

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

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

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

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