

[Second Reprint]

ASSEMBLY, No. 4563

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

Sponsored by:

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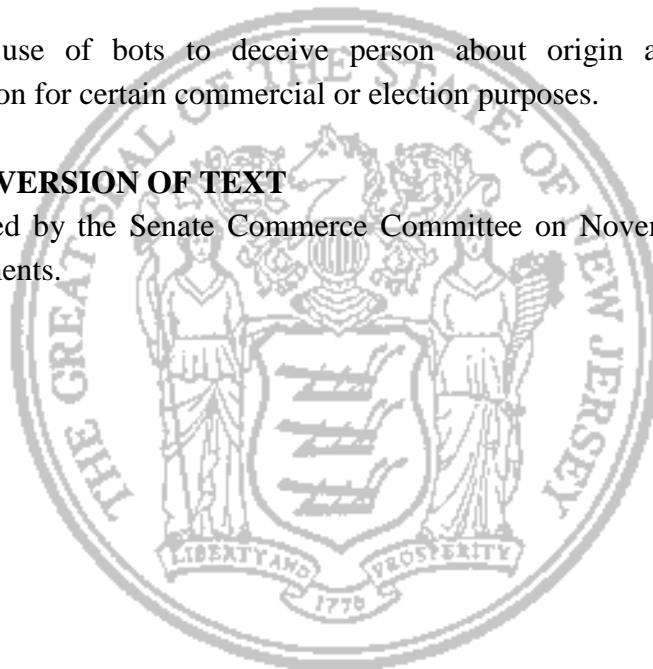
Assemblywoman Downey, Assemblyman Conaway, Assemblywomen Pinkin, Lopez, Assemblymen Freiman, Calabrese and Senator Singleton

SYNOPSIS

Prohibits use of bots to deceive person about origin and content of communication for certain commercial or election purposes.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on November 14, 2019, with amendments.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning the use of bots under certain circumstances and
2 supplementing Title 56 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Bot” means an automated online account where all or
10 substantially all of the actions or posts of that account are not ²the
11 direct result of a **directly generated by a live natural²** person.

12 “Computer or mobile application” means computer application
13 software used by a person operating a computer or mobile device.

14 “Internet service provider” shall have the same meaning as
15 provided in section 3 of P.L.2007, c.272 (C.56:8-170).

16 “Online” means appearing on any public-facing Internet website,
17 Internet web application, or computer or mobile application,
18 including a social networking website or publication.

19 “Online platform” means any public-facing Internet website,
20 Internet web application, or computer or mobile application,
21 including a social networking website or publication ², that has
22 10,000,000 or more unique monthly visitors or users located in the
23 United States for a majority of months during the preceding 12
24 months².

25 “Person” means a natural person, corporation, limited liability
26 company, partnership, joint venture, association, estate, trust,
27 government agency, or other legal entity or any combination
28 thereof.

29 “Social networking website” shall have the same meaning as
30 provided in section 1 of P.L.2012, c.75 (C.18A:3-29).

31

32 2. ²**[a.]²** A person shall not use an online bot to communicate
33 or interact with ²**[another] a²** person in this State ²**[**, with the intent
34 to mislead the other person about the bot’s artificial identity ¹**[**,
35 with] for¹ the purpose of knowingly deceiving the person with the
36 content of the communication or interaction in order to incentivize a
37 purchase or sale of goods or services in a commercial transaction or
38 to influence a vote in an election.

39 b. A person using a bot shall not be liable under
40 P.L. , c. (C.) (pending before the Legislature as this bill)
41 if **in connection with the sale or advertisement of any merchandise**
42 or real estate or to solicit support for any candidate, party or public
43 question in an election unless² the person discloses ²at the outset of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AST committee amendments adopted December 6, 2018.

²Senate SCM committee amendments adopted November 14, 2019.

1 the communication or interaction, in clear and conspicuous
2 fashion,² that ²[it] the communication or interaction² is ²being
3 conducted by or through² a bot. ²[The disclosure required by this
4 subsection shall be clear, conspicuous, and reasonably designed to
5 inform a person with whom the bot communicates or interacts that
6 it is a bot.]²

7
8 3. a. The duties and obligations imposed by
9 P.L. , c. (C.) (pending before the Legislature as this bill) are
10 cumulative with any other duties or obligation imposed by any other
11 law.

12 b. The provisions of P.L. , c. (C.) (pending before the
13 Legislature as this bill) shall not impose a duty on a service
14 provider of an online platform, including, but not limited to, an
15 Internet web hosting service provider or an Internet service
16 provider.

17
18 4. ²a.² A person who violates the provisions of
19 P.L. , c. (C.) (pending before the Legislature as this bill)
20 shall be liable for a civil penalty of \$2,500 for the first offense,
21 \$5,000 for the second offense, and \$10,000 for each subsequent
22 offense, to be collected in a civil action by a summary proceeding
23 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
24 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of
25 proceedings for the enforcement of the penalty provided by this
26 section.

27 ²b. In addition to the penalty provided above, if a person
28 violates, P.L. , c. (C.) (pending before the Legislature as
29 this bill), the Attorney General may seek injunctive relief to
30 prohibit and prevent the violation. In any action brought pursuant
31 to this section, the State shall be entitled to recover the costs of
32 investigation, costs of the action, and reasonable attorney fees.²

33
34 5. The Director of the Division of Consumer Affairs in the
35 Department of Law and Public Safety shall adopt rules and
36 regulations, pursuant to the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the
38 provisions of P.L. , c. (C.) (pending before the Legislature
39 as this bill).

40
41 6. This act shall take effect on 180th day after the date of
42 enactment, except that the Director of the Division of Consumer
43 Affairs may take anticipatory action in advance thereof as shall be
44 necessary to implement the provisions of P.L. , c. (C.)
45 (pending before the Legislature as this bill).