

ASSEMBLY, No. 1188

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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
11 directly generated by a live natural 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.

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

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

28

29 2. A person shall not use an online bot to communicate or
30 interact with a person in this State in connection with the sale or
31 advertisement of any merchandise or real estate or to solicit support
32 for any candidate, party or public question in an election unless the
33 person discloses at the outset of the communication or interaction,
34 in clear and conspicuous fashion, that the communication or
35 interaction is being conducted by or through a bot.

36

37 3. a. The duties and obligations imposed by
38 P.L. , c. (C.) (pending before the Legislature as this bill) are
39 cumulative with any other duties or obligation imposed by any other
40 law.

41 b. The provisions of P.L. , c. (C.) (pending before the
42 Legislature as this bill) shall not impose a duty on a service
43 provider of an online platform, including, but not limited to, an
44 Internet web hosting service provider or an Internet service
45 provider.

46

47 4. a. A person who violates the provisions of
48 P.L. , c. (C.) (pending before the Legislature as this bill)

1 shall be liable for a civil penalty of \$2,500 for the first offense,
2 \$5,000 for the second offense, and \$10,000 for each subsequent
3 offense, to be collected in a civil action by a summary proceeding
4 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
5 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of
6 proceedings for the enforcement of the penalty provided by this
7 section.

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

14
15 5. The Director of the Division of Consumer Affairs in the
16 Department of Law and Public Safety shall adopt rules and
17 regulations, pursuant to the "Administrative Procedure Act,"
18 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the
19 provisions of P.L. , c. (C.) (pending before the Legislature
20 as this bill).

21
22 6. This act shall take effect on 180th day after the date of
23 enactment, except that the Director of the Division of Consumer
24 Affairs may take anticipatory action in advance thereof as shall be
25 necessary to implement the provisions of P.L. , c. (C.)
26 (pending before the Legislature as this bill).

27 28 29 STATEMENT

30
31 This bill makes it unlawful for any person to use an online "bot,"
32 as defined in the bill, to communicate or interact with a person in this
33 State in connection with the sale or advertisement of any merchandise
34 or real estate or to solicit support for any candidate, party or public
35 question in an election unless the person discloses at the outset of the
36 communication or interaction, in clear and conspicuous fashion, that
37 the communication or interaction is being conducted by or through a
38 bot.

39 The bill defines "bot" to mean an automated online account
40 where all or substantially all of the actions or posts of that account
41 are not directly generated by a live natural person.

42 The duties and obligations under the bill are cumulative with any
43 other duties or obligation imposed by law. The bill specifies that it
44 does not impose a duty on a service provider of an online platform, as
45 defined by the bill.

46 A person who violates the provisions of the bill is liable for a civil
47 penalty of \$2,500 for the first offense, \$5,000 for the second offense,
48 and \$10,000 for each subsequent offense, to be collected in a civil
49 action by a summary proceeding under the "Penalty Enforcement Law

1 of 1999." The Superior Court is to have jurisdiction of proceedings for
2 the enforcement of the penalty. The bill allows the Attorney General
3 to seek injunctive relief to prohibit and prevent violations of the bill.
4 The State is also entitled to recover the costs of investigation, costs of
5 the action, and reasonable attorney fees.