

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Thanks for joining this podcast on SB 1001 from the 2018 legislative session wherein California is the first to enact a bot bill.

Governor Jerry Brown signed Senate Bill 1001 by State Senator Robert Hertzberg on September 28th as Chapter 892. The bill is effective on July 1, 2019 and it prohibits a person from using 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 that 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.

Now the Legislature made a number of changes to SB 1001 before it arrived on the Governor's desk. Those include updating definitions and removing requirements for online platforms to take actions, such as enabling users to report bots violating the provisions of law, investigating and determining within 72 hours whether to act upon reports received by users, and - three - providing details of user reports and internal investigations to the Attorney General upon request.

Now SB 1001 adds an entire new chapter to the Business and Professions Code. It defines the terms "bot," "online," "online platform," and "person." Essentially, bot is defined as an automated online account where all, or substantially all, of the actions or posts of that account are not the result of a person. Now, new B&P Code Section 17941 makes it unlawful for any person to use a bot. However, a person using a bot is not liable under this code section if the person discloses that it is in fact a bot. That disclosure must be clear, conspicuous, and reasonably designed to inform persons with whom the bot communicates or interacts that it is a bot.

Also new Section 17942 provides that this law does not impose a duty on service providers of online platforms including but not limited to web hosting and internet service providers. And again, these provisions become operative on July 1, 2019.

Thanks for joining this brief overview of Senate Bill 1001.