

CHAPTER 486

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

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

C.56:18-1 Definitions relative to use of bots.

1. As used in P.L.2019, c.486 (C.56:18-1 et seq.):

“Bot” means an automated online account where all or substantially all of the actions or posts of that account are not directly generated by a live natural person.

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

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

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

“Online platform” means any public-facing Internet website, Internet web application, or computer or mobile application, including a social networking website or publication.

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

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

C.56:18-2 Notification relative to communication, interaction when using a bot.

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

C.56:18-3 Duties, obligations cumulative.

3. a. The duties and obligations imposed by P.L.2019, c.486 (C.56:18-1 et seq.) are cumulative with any other duties or obligation imposed by any other law.

b. The provisions of P.L.2019, c.486 (C.56:18-1 et seq.) shall not impose a duty on a service provider of an online platform, including, but not limited to, an Internet web hosting service provider or an Internet service provider.

C.56:18-4 Violations, penalties.

4. a. A person who violates the provisions of P.L.2019, c.486 (C.56:18-1 et seq.) shall be liable for a civil penalty of \$2,500 for the first offense, \$5,000 for the second offense, and \$10,000 for each subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

b. In addition to the penalty provided above, if a person violates, P.L.2019, c.486 (C.56:18-1 et seq.), the Attorney General may seek injunctive relief to prohibit and prevent the violation. In any action brought pursuant to this section, the State shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney fees.

C.56:18-5 Rules, regulations.

5. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the provisions of P.L.2019, c.486 (C.56:18-1 et seq.).

6. This act shall take effect on the 180th day after the date of enactment, except that the Director of the Division of Consumer Affairs may take anticipatory action in advance thereof as shall be necessary to implement the provisions of P.L.2019, c.486 (C.56:18-1 et seq.).

Approved January 21, 2020.