

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 127

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO CONSUMER PROTECTION; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 48-603H, IDAHO CODE, TO ESTABLISH
PROVISIONS REGARDING DISCLOSURE OF ARTIFICIAL INTELLIGENCE COMMUNICA-
TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 6, Title 48, Idaho Code, be, and the same is
hereby amended by the addition thereto of a NEW SECTION, to be known and des-
ignated as Section 48-603H, Idaho Code, and to read as follows:

48-603H. DISCLOSURE OF ARTIFICIAL INTELLIGENCE COMMUNICATIONS. (1)
It is an unfair and deceptive trade practice for any person to engage in trade
or commerce with a consumer in which the person is communicating or otherwise
interacting with a consumer using a chatbot, artificial intelligence agent,
avatar, or other computer technology that engages in a textual or aural con-
versation and which may mislead or deceive a reasonable consumer to believe
the consumer is engaging with an actual human, and:

(a) The consumer is not notified in a clear and conspicuous fashion that
the consumer is not communicating with a human being;

(b) The consumer may reasonably believe the consumer is engaging with a
human because the communication is not clear and conspicuous; and

(c) The chatbot, artificial intelligence agent, avatar, or other com-
puter technology that engages in a textual or aural conversation is do-
ing more than stating the person's basic operations information, such
as employee directories, locations, hours of operation, the basic me-
chanics of purchasing items, and similar information.

(2) A consumer may initiate a private right of action against any person
who fails to comply with subsection (1) of this section, and such person is
liable:

(a) To such consumer in an amount equal to the actual damage, including
the value of the consumer's time in resolving any issues caused by the
violation of this section, and other damages sustained by such consumer
as a result of such violation, or a statutory damage of one thousand dol-
lars (\$1,000), whichever is greater; or

(b) In the case of a class action, for such amount as the court may al-
low for the class, not to exceed actual damages or ten thousand dollars
(\$10,000).

(3) The attorney general may seek injunctive relief against any person
who fails to comply with subsection (1) of this section with respect to any
consumer, and any person found in a court of law to be out of compliance with
subsection (1) of this section shall be liable for a minimum civil penalty of
ten thousand dollars (\$10,000) and one thousand dollars (\$1,000) per viola-
tion to be determined by the court.

1 (4) In any action brought pursuant to this section, the prevailing
2 party shall be entitled to an award of the reasonable investigative costs,
3 all other costs as allowed by statute and rule, and reasonable attorney's
4 fees incurred in pursuing or defending the litigation.

5 SECTION 2. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after
7 July 1, 2025.