

AN ACT

relating to civil liability for online impersonation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 98C to read as follows:

CHAPTER 98C. LIABILITY FOR ONLINE IMPERSONATION

Sec. 98C.001. DEFINITIONS. In this chapter:

(1) "Online impersonation" means a person's use of an individual's name, voice, signature, or likeness in visual material on a social media platform without that individual's consent or, if the individual is a minor, the consent of that individual's parent, legal guardian, or managing conservator.

(2) "Social media platform" has the meaning assigned by Section 120.001, Business & Commerce Code.

(3) "Visual material" has the meaning assigned by Section 43.26, Penal Code.

Sec. 98C.002. APPLICABILITY OF CHAPTER. This chapter does not apply to a law enforcement agency or a law enforcement agency employee acting within the scope of employment in investigating Internet crimes.

Sec. 98C.003. CONSTRUCTION OF CHAPTER. This chapter may not be construed to impose liability on an interactive computer service as defined by 47 U.S.C. Section 230(f) for content provided by another person.

1 Sec. 98C.004. LIABILITY FOR ONLINE IMPERSONATION;
2 EXCEPTION. (a) Except as provided by Subsection (b), a person is
3 liable to another person injured by the person's online
4 impersonation if:

5 (1) the person knowingly and with the intent to harm,
6 defraud, intimidate, or threaten the injured person used the online
7 impersonation to create a false identity; and

8 (2) the online impersonation is, to a reasonable
9 person, virtually indistinguishable from an actual person.

10 (b) A person is not liable for an online impersonation of
11 which a purpose is satire or parody.

12 Sec. 98C.005. DAMAGES. (a) A claimant who prevails in an
13 action under this chapter shall be awarded actual damages,
14 including expenditures made by the claimant related to counseling,
15 identity theft, or libel. The defendant's profits attributable to
16 the defendant's online impersonation of the claimant may be
17 considered in the computation of actual damages.

18 (b) In addition to an award under Subsection (a), a claimant
19 who prevails in an action under this chapter may recover exemplary
20 damages of not less than \$500.

21 (c) The court shall award costs and reasonable attorney's
22 fees to the prevailing party in any action under this chapter.

23 Sec. 98C.006. INJUNCTIVE RELIEF. A court in which an action
24 is brought under this chapter, on the motion of a claimant depicted
25 in the defendant's online impersonation, may issue a temporary
26 restraining order or a temporary or permanent injunction to
27 restrain and prevent the online impersonation of the claimant.

1 Sec. 98C.007. CAUSE OF ACTION CUMULATIVE. The cause of
2 action created by this chapter is cumulative of any other remedy
3 provided by common law or statute.

4 SECTION 2. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I certify that H.B. No. 783 was passed by the House on May 8, 2025, by the following vote: Yeas 118, Nays 27, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 783 on May 29, 2025, by the following vote: Yeas 102, Nays 28, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 783 was passed by the Senate, with amendments, on May 27, 2025, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor