

# HB2462 • Virginia

Unauthorized use of name, portrait, etc.; digital replica, civil liability, statute of limitations.

In Committee

Risk: High

Comprehensive

Last Action (Feb 22, 2025): Failed to Pass from conference

## Summary

This bill expands civil liability for unauthorized use of a person's digital replica, requires platforms to remove such replicas upon notification, and extends the statute of limitations for related claims.

## Business Impact

If you create or distribute digital content using AI in Virginia, you must obtain consent for likeness use or face damages starting at \$1,000.

## Key Provisions

- Defines 'digital replica' as a realistic electronic representation of an individual's voice or likeness.
- Establishes civil liability for unauthorized use of digital replicas without consent.
- Extends the statute of limitations for claims from 20 years to 100 years after a person's death.
- Allows for punitive damages if the unauthorized use is found to be willful.
- Exempts certain uses from consent requirements, such as news reporting and commentary.
- Clarifies that internet service providers are not liable for unauthorized content they do not create.
- Requires platforms to remove unauthorized digital replicas upon notification to avoid liability.

## Compliance Checklist

- Obtain written consent for using a person's likeness or digital replica. | Who: Content creators and distributors. | Penalty: Liability for damages starting at \$1,000 per instance.
- Remove unauthorized digital replicas upon receiving notice. | Who: Platforms hosting digital content. | Penalty: \$1,000 for each instance that remains accessible.

# Industries Affected

Advertising Technology Digital Media Entertainment

# Topics

AI Deepfakes AI Likeness AI Liability

# Bill Sponsors

Name	Party	Role
Jackie Glass	D	Sponsor
Nadarius Clark	D	Sponsor

# Roll Call Votes

Date	Description	Yea	Nay	Result
2025-02-20	Senate substitute rejected by House (1-Y 97-N)	1	97	Failed
2025-02-20	Senate insisted on substitute (39-Y 0-N)	39	0	Passed
2025-02-19	Passed Senate with substitute (22-Y 17-N)	22	17	Passed
2025-02-18	Constitutional reading dispensed (on 2nd reading)	39	0	Passed
2025-02-17	Reported from Courts of Justice with substitute (1	10	5	Passed
2025-01-31	Read third time and passed House (55-Y 41-N)	55	41	Passed
2025-01-27	Reported from Communications, Technology and Innov	12	10	Passed
2025-01-27	Subcommittee recommends reporting with substitute	7	3	Passed

# Official Source

<https://lis.virginia.gov/bill-details/20251/HB2462>

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