2025 -- S 0358

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N   A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION

Introduced By: Senators Gu, Zurier, DiPalma, Burke, Bell, Kallman, Bissaillon, Euer, and Tikoian

Date Introduced: February 21, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1   SECTION 1. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby

2   amended by adding thereto the following section:

3   **9-1-55. Artificial intelligence; liability for injuries.**

4   (a) When used in this section, the following words and phrases shall have the following

5   meanings:

6   (1) "Artificial intelligence" means an engineered or machine-based system that varies in its

7   level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives

8   how to generate outputs that can influence physical or virtual environments.

9   (2) "Covered model" means either of the following:

10   (i) An artificial intelligence model trained using a quantity of computing power greater

11   than 10^{26} integer or floating-point operations, the cost of which exceeds one hundred million

12   dollars ($100,000,000) when calculated using the average market prices of cloud compute at the

13   start of training as reasonably assessed by the developer; or

14   (ii) An artificial intelligence model created by fine-tuning a covered model using a quantity

15   of computing power equal to or greater than three (3) times 10^{25} integer or floating-point

16   operations, the cost of which, as reasonably assessed by the developer, exceeds ten million dollars

17   ($10,000,000) if calculated using the average market price of cloud compute at the start of fine-

18   tuning.

1   (3) "Covered model derivative" means any of the following:

2   (i) An unmodified copy of a covered model;

3   (ii) A copy of a covered model that has been subjected to post-training modifications

4 unrelated to fine-tuning;

5   (iii) A copy of a covered model that has been fine-tuned using a quantity of computing

6 power not exceeding three (3) times 10^25 integer or floating-point operations, the cost of which,

7 as reasonably assessed by the developer, does not exceed one million dollars ($1,000,000) if

8 calculated using the average market price of cloud compute at the start of fine-tuning; or

9   (4) A copy of a covered model that has been combined with other software.

10   (5) "Developer" means a person that performs the initial training of a covered model either

11 by training a model using a sufficient quantity of computing power and cost, or by fine-tuning an

12 existing covered model or covered model derivative using a quantity of computing power and cost

13 greater than the amount specified in subsection (a)(2) of this section.

14   (6) "Fine-tuning" means adjusting the model weights of a trained covered model or covered

15 model derivative by exposing it to additional data.

16   (b) Artificial intelligence; liability for injuries. Except with respect to any causes of action

17 for defamation, developers of covered models or covered model derivatives shall be strictly liable,

18 regardless of the degree of care they exercised, for all injuries to a non-user of the covered model

19 or covered model derivative that satisfy the actual harm element of an ordinary negligence claim

20 if:

21   (1) Those injuries are factually and proximately caused by a covered model or covered

22 model derivative that engages in conduct that, if undertaken by an adult human of sound mind,

23 would satisfy the elements of negligence or any intentional tort or crime; and

24   (2) That conduct was neither intended nor could have been reasonably anticipated by:

25   (i) The user of the model; or

26   (ii) Any intermediary that fine-tuned, scaffolded, or otherwise modified the model.

27   (c)(1) For the purposes of this section, any torts for which the mental state of the alleged

28 tortfeasor is relevant to elements of the tort, there shall be a rebuttable presumption that the artificial

29 intelligence system satisfies the relevant mental state if the finder of fact determines by a

30 preponderance of the evidence that, if a natural person under similar circumstances to the artificial

31 intelligence system took actions similar to those taken by the artificial intelligence system, that

32 natural person would have acted with the relevant mental state.

33   (2) Unless the court determines that the presumption established in subsection (c)(1) of this

34 section is not applicable, if the party against whom the presumption is invoked presents evidence

1   tending to rebut the presumption established in subsection (c)(1) of this section, the court shall

2   instruct the finder of fact to find that the presumed facts exist unless the finder of fact is persuaded

3   that the presumed facts do not exist.

4   (3) For the purposes of this section, it shall not be a defense that artificial intelligence

5   systems are incapable of having mental states.

6   (d)(1) It shall be an affirmative defense to strict liability if the developer establishes that

7   the covered model or covered model derivative satisfied the standard of care applicable to humans

8   who perform the same function that the covered model or covered model derivative was engaged

9   in performing when its conduct allegedly caused the plaintiff's injury.

10   (2) It shall be an affirmative defense to strict liability if the developer establishes that the

11   injuries to a non-user as described in this section were a result of a capabilities failure, in which a

12   covered model or covered model derivative falls short of performing the intended or reasonably

13   anticipated performance of the user, but the conduct of the system would not satisfy the elements

14   of negligence or any intentional tort or crime if engaged in by an adult human of sound mind.

15   SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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1   This act would provide a civil cause of action for individuals injured by artificial

2   intelligence.

3   This act would take effect upon passage.

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