

REFERENCE TITLE: rental price fixing; algorithmic pricing

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2847

Introduced by
Representative De Los Santos

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 27; RELATING TO COMMERCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is
3 amended by adding article 27, to read:

4 ARTICLE 27. PRICE REGULATIONS

5 44-1383. Algorithmic price fixing of rental rates prohibited;
6 enforcement; definitions

7 A. A PERSON IN THIS STATE MAY NOT USE ALGORITHMIC PRICE FIXING TO
8 ESTABLISH THE RENTAL RATE.

9 B. THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON COMMITTED AN
10 ANTITRUST VIOLATION OR A VIOLATION OF CHAPTER 10, ARTICLE 7 OF THIS TITLE,
11 IF THE ATTORNEY GENERAL PROVES ALL OF THE FOLLOWING FACTORS:

12 1. A PERSON USED ALGORITHMIC PRICING THAT INCLUDED NONPUBLIC
13 COMPETITOR DATA.

14 2. A PERSON USED ALGORITHMIC PRICING TO SET OR RECOMMEND
15 RESIDENTIAL RENTAL RATES.

16 3. AT LEAST TWO COMPETITORS USED THE SAME ALGORITHMIC PRICING FOR
17 RESIDENTIAL RENTAL RATES IN THE SAME OR RELATED MARKETS.

18 C. THE PRESUMPTION, AS PRESCRIBED IN SUBSECTION B OF THIS SECTION,
19 IS REBUTTABLE IF THE DEFENDANT PROVIDES BY CLEAR AND CONVINCING EVIDENCE
20 THAT THE DEFENDANT DID NOT DEVELOP OR DISTRIBUTE THE ALGORITHM USED IN THE
21 ALGORITHMIC PRICING AND DID NOT HAVE ACTUAL KNOWLEDGE OR COULD NOT HAVE
22 REASONABLY KNOWN THAT THE ALGORITHM USED IN THE ALGORITHMIC PRICING
23 CONTAINED NONPUBLIC COMPETITOR DATA.

24 D. THE ATTORNEY GENERAL SHALL ENFORCE THIS SECTION.

25 E. FOR THE PURPOSES OF THIS SECTION:

26 1. "ALGORITHMIC PRICING" OR "ALGORITHMIC PRICE FIXING":

27 (a) MEANS ANY COMPUTATIONAL PROCESS THAT PROCESSES DATA TO
28 RECOMMEND OR SET A PRICE OR COMMERCIAL TERMS THAT IS IN OR AFFECTING
29 INTERSTATE OR FOREIGN COMMERCE.

30 (b) INCLUDES COMPUTATIONAL PROCESS DERIVED FROM MACHINE LEARNING OR
31 OTHER ARTIFICIAL INTELLIGENCE TECHNIQUES.

32 2. "NONPUBLIC COMPETITOR DATA":

33 (a) MEANS NONPUBLIC DATA THAT IS DERIVED FROM OR OTHERWISE PROVIDED
34 BY ANOTHER PERSON THAT COMPETES IN THE SAME MARKET AS A PERSON OR A
35 RELATED MARKET.

36 (b) DOES NOT INCLUDE INFORMATION DISTRIBUTED, REPORTED OR OTHERWISE
37 COMMUNICATED IN A WAY THAT DOES NOT REVEAL ANY UNDERLYING DATA FROM A
38 COMPETITOR SUCH AS NARRATIVE INDUSTRY REPORTS, NEWS REPORTS, BUSINESS
39 COMMENTARIES OR GENERALIZED INDUSTRY SURVEY RESULTS.

40 3. "NONPUBLIC DATA":

41 (a) MEANS INFORMATION THAT IS NOT WIDELY AVAILABLE OR EASILY
42 ACCESSIBLE TO THE PUBLIC.

43 (b) INCLUDES INFORMATION ABOUT PRICE, COMMERCIAL TERMS AND RELATED
44 PRODUCTS OR SERVICES REGARDLESS OF WHETHER THE DATA IS ATTRIBUTABLE TO A
45 SPECIFIC COMPETITOR OR ANONYMIZED.