STATE OF NEW YORK

724--B

Cal. No. 57

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, ORTIZ, ZEBROWSKI, HOOPER, WALLACE, WILLIAMS, GLICK, MONTESANO, GALEF, D'URSO, BLAKE, SANTABARBARA -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, FRIEND, M. L. MILLER, NOLAN, SIMON -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to the use of voice recognition features

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new article 32-A to read as follows:

ARTICLE 32-A

VOICE RECOGNITION FEATURES

Section 676. Use of voice recognition features in products.

§ 676. Use of voice recognition features in products. 1. For purposes of this section, the following definitions shall apply:

(a) "Connected device" shall mean a television, video game console as defined in section three hundred ninety-six-kk of this chapter, computer as defined in section three hundred ninety-two-a of this chapter, computer accessory as defined in section three hundred ninety-two-a of this chapter, internet-capable device as defined in section five hundred thirty-eight-b of this chapter, or a toy as defined in paragraph (d) of this subdivision.

(b) "User" means a person who originally purchases, leases, or takes ownership of a connected device. A person who is incidentally recorded when a voice recognition feature is activated by a user shall not be deemed to be a user.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD03763-04-8

(c) "Voice recognition feature" means the function of a connected device that allows the collection, recording, storage, analysis, transmission, interpretation, or other use of spoken words or other sounds.

(d) "Toy" means any product designed or intended by the manufacturer to be used by children or adults for amusement or play.

2. (a) A person or entity shall not provide the operation of a voice recognition feature within this state without prominently informing, during the initial setup or installation of a connected device, either the user or the person designated by the user to perform the initial setup or installation of the connected device of the functions of the device, that the device may be recording the user, and that the entity that makes the device may be retaining such recordings.

(b) Any recordings collected through the operation of a voice recognition feature by the manufacturer of a connected device shall not be sold or used for any advertising purposes.

(c) Any recordings collected through the operation of a voice recognition feature by a third party contracting with the manufacturer of a connected device shall not be sold or used for any advertising purposes.

(d) The manufacturer of a connected device shall not be liable for functionality provided by third party applications that the user chooses to use or are downloaded and installed by a user.

3. Nothing in this section shall be construed to authorize disclosure of any recordings retained by the manufacturer to any individual or entity, including a law enforcement agency, or any officer, employee, or agent of such agency, unless otherwise authorized by law or pursuant to a judicial order.

4. (a) Whenever the attorney general shall believe from evidence satisfactory to him or her that there is a violation of this section, he or she may bring an action in the name and on behalf of the people of the state of New York, in a court of competent jurisdiction to enjoin and restrain the continuation of such violation. In such action, preliminary relief may be granted under article sixty-three of the civil practice law and rules. In such action, the court may award damages for actual costs or losses incurred by the consumer. Whenever the court shall determine in such action that a person or business violated this section, the court may impose a civil penalty of two thousand five hundred dollars per violation.

(b) The remedies provided by this subdivision shall be in addition to any other lawful remedy available.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.