

# 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:

1 Section 1. The general business law is amended by adding a new article  
2 32-A to read as follows:

### ARTICLE 32-A

#### VOICE RECOGNITION FEATURES

5 Section 676. Use of voice recognition features in products.

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

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

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

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

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

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

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

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

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

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

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

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

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

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