

STATE OF NEW YORK

4012

2019-2020 Regular Sessions

IN SENATE

February 25, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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.

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

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

24 2. (a) A person or entity shall not provide the operation of a voice
25 recognition feature within this state without prominently informing,

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

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1 during the initial setup or installation of a connected device, either
2 the user or the person designated by the user to perform the initial
3 setup or installation of the connected device of the functions of the
4 device, that the device may be recording the user, and that the entity
5 that makes the device may be retaining these recordings.

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

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

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

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

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

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

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