

STATE OF NEW YORK

5306

2019-2020 Regular Sessions

IN ASSEMBLY

February 8, 2019

Introduced by M. of A. GUNTHER, ORTIZ, ZEBROWSKI, WALLACE, WILLIAMS, GLICK, GALEF, D'URSO, BLAKE, SANTABARBARA, MONTESANO -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, FRIEND, M. L. MILLER, SIMON -- read once and referred to the Committee on Consumer Affairs and 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:

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.

(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.

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

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

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

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

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

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

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

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

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