

ASSEMBLY, No. 3072

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

“The Consumer Electronic Voice Recognition Information Act”; prohibits operation of voice recognition feature on connected device before informing user of voice recognition feature during initial setup or installation of connected device.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning devices with voice recognition features and
2 supplementing Title 56 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. This act shall be known and may be cited as “The Consumer
8 Electronic Voice Recognition Information Act.”

9
10 2. As used in P.L. , c. (C.) (pending before the
11 Legislature as this bill):

12 “Connected device” means an Internet-connected device that
13 contains a microphone, including, but not limited to, a wireless
14 speaker and voice command device, a wireless mobile device,
15 tablet, television, or any other device, sold in this State that has an
16 integrated virtual assistant offering interactive actions and hands-
17 free activation.

18 “Manufacturer” means a person or entity that installs and
19 operates the voice recognition feature and virtual assistant on a
20 connected device.

21 “User” means a person who purchases, leases, or takes
22 ownership of a connected device with a voice recognition feature.
23 “User” shall not mean a person who is incidentally recorded when a
24 voice recognition feature is activated by a user.

25 “Virtual assistant” means connected device software that
26 understands natural language voice commands and completes tasks
27 for the user.

28 “Voice recognition feature” means the function of a connected
29 device that allows for the collection, recording, storage, analysis,
30 transmission, interpretation, or other use of spoken words or other
31 sounds to use the integrated virtual assistant, but shall not include
32 voice commands that are not recorded or transmitted beyond the
33 connected device via the Internet.

34
35 3. a. A manufacturer shall not provide for the operation of a
36 voice recognition feature on a connected device without
37 prominently informing either the user performing the initial setup or
38 installation of the connected device or the person designated by the
39 user to perform the initial setup or installation of the connected
40 device that the connected device has a voice recognition feature.

41 b. An actual recording of a spoken word collected through the
42 operation of a voice recognition feature by the manufacturer for the
43 purpose of improving the voice recognition feature, including, but
44 not limited to, the operation of an accessible user interface for
45 people with disabilities, shall not be used for any advertising
46 purpose, stored, or shared with or sold to a third party, unless the
47 user provides written consent.

1 c. An actual recording of a spoken word collected through the
2 operation of a voice recognition feature by a third party contracting
3 with a manufacturer for the purpose of improving the voice
4 recognition feature, including, but not limited to, the operation of an
5 accessible user interface for people with disabilities shall not be
6 used for any advertising purpose, stored, or shared with or sold to a
7 third party, unless the user provides written consent.

8 d. A person or entity shall not compel a manufacturer to build
9 specific features for the purpose of allowing an investigative or law
10 enforcement officer to monitor communications through the voice
11 recognition feature.

12 e. A manufacturer shall be liable for the functionality of the
13 voice recognition feature provided at the time of the original sale of
14 a connected device with a voice recognition feature and shall not be
15 liable for the functionality provided by application software that the
16 user chooses to use on the Internet or chooses to download and
17 install.

18
19 4. It shall be an unlawful practice and a violation of P.L.1960,
20 c.39 (C.56:8-1 et seq.) to violate the provisions of section 3 of
21 P.L. , c. (C.) (pending before the Legislature as this bill).

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23 5. This act shall take effect immediately.
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26 STATEMENT

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28 This bill, entitled “The Consumer Electronic Voice Recognition
29 Information Act,” prohibits an manufacturer from operating a voice
30 recognition feature on a connected device without prominently
31 informing either the user performing the initial setup or installation
32 of the connected device or the person designated by the user to
33 perform the initial setup or installation of the connected device that
34 the connected device has a voice recognition feature. The terms
35 “connected device,” “manufacturer,” “user,” and “voice recognition
36 feature” are defined in the bill.

37 The bill provides that an actual recording of a spoken word
38 collected through the operation of a voice recognition feature by the
39 manufacturer, or a third party contracting with the manufacturer, for
40 the purpose of improving the voice recognition feature is not to be
41 used for any advertising purpose, stored, or shared with or sold to a
42 third party, unless the user provides written consent.

43 The bill further provides that a person or entity is not to compel
44 an manufacturer to build specific features for the purpose of
45 allowing an investigative or law enforcement officer to monitor
46 communications through the voice recognition feature and a
47 manufacturer is to only be liable for the functionality of the voice
48 recognition feature provided at the time of the original sale of a

1 connected device with a voice recognition feature and is not to be
2 liable for the functionality provided by application software that the
3 user chooses to use on the Internet or chooses to download and
4 install.

5 The bill provides that it is to be an unlawful practice and a
6 violation of the consumer fraud act to violate the provisions of this
7 bill, which includes a penalty of not more than \$10,000 for the first
8 offense and not more than \$20,000 for the second and each
9 subsequent offense.