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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22949.92.2]** ( *Division 8 added by Stats. 1941, Ch. 44.*  )

**CHAPTER 35. Connected Televisions [22948.20 - 22948.25]** ( *Chapter 35 added by Stats. 2015, Ch. 524, Sec. 1.*  )

**22948.20.** (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 television, either the user or the person designated by the user to perform the initial setup or installation of the connected television.

(b) Any actual recordings of spoken word collected through the operation of a voice recognition feature by the manufacturer of a connected television for the purpose of improving the voice recognition feature, including, but not limited to, the operation of an accessible user interface for people with disabilities, shall not be sold or used for any advertising purpose.

(c) Any actual recordings of spoken word collected through the operation of a voice recognition feature by a third party contracting with a manufacturer for the purpose of improving the voice recognition feature, including, but not limited to, the operation of an accessible user interface for people with disabilities, shall not be sold or used for any advertising purpose.

(d) A person or entity shall not compel a manufacturer or other entity providing the operation of a voice recognition feature to build specific features for the purpose of allowing an investigative or law enforcement officer to monitor communications through that feature.

(e) A manufacturer shall only be liable for functionality provided at the time of the original sale of a connected television and shall not be liable for functionality provided by applications that the user chooses to use in the cloud or are downloaded and installed by a user.

(f) This chapter shall not apply to any product or service provided by a company covered under Section 637.5 of the Penal Code.

(*Added by Stats. 2015, Ch. 524, Sec. 1. (AB 1116) Effective January 1, 2016.*)

**22948.21.** For purposes of this chapter, the following definitions shall apply:

(a) "Connected television" means a video device designed for home use to receive television signals and reproduce them on an integrated, physical screen display that exceeds 12 inches, except that this term shall not include a personal computer, portable device, or a separate device that connects physically or wirelessly to a television, including, but not limited to, a set-top box, video game console, or digital video recorder.

(b) "User" means a person who originally purchases, leases, or takes ownership of a connected television. 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 television that allows the collection, recording, storage, analysis, transmission, interpretation, or other use of spoken words or other sounds, except that this term shall not include voice commands that are not recorded or transmitted beyond the connected television.

(*Added by Stats. 2015, Ch. 524, Sec. 1. (AB 1116) Effective January 1, 2016.*)

**22948.22.** Any waiver of the provisions of this chapter is contrary to public policy and void and unenforceable.

(*Added by Stats. 2015, Ch. 524, Sec. 1. (AB 1116) Effective January 1, 2016.*)

**22948.23.** (a) Actions for relief pursuant to this chapter may be prosecuted exclusively in a court of competent jurisdiction in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney. This chapter shall not be deemed to create a private right of action, or limit any existing private right of action.

(b) A court may enjoin a person who knowingly engages, has engaged, or proposes to engage, in a violation of this chapter. The court may make any orders or judgments as may be necessary to prevent a violation of this chapter.

(c) A person who knowingly engages, has engaged, or proposes to engage, in a violation of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each connected television sold or leased in violation of this chapter. If the action is brought by the Attorney General, the penalty shall be deposited into the General Fund. If the action is brought by a district attorney, the penalty shall be paid to the treasurer of the county in which the judgment was entered.

*(Added by Stats. 2015, Ch. 524, Sec. 1. (AB 1116) Effective January 1, 2016.)*

**22948.24.** The remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of the state.

*(Added by Stats. 2015, Ch. 524, Sec. 1. (AB 1116) Effective January 1, 2016.)*

**22948.25.** The provisions of this chapter are severable. If any provision of this chapter or its application are held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

*(Added by Stats. 2015, Ch. 524, Sec. 1. (AB 1116) Effective January 1, 2016.)*