

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
AB 335 (Boerner Horvath) – As Amended March 26, 2021

Policy Committee: Privacy and Consumer Protection Vote: 11 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill clarifies that a consumer's right to opt-out of the sharing of their personal information (PI), as provided in the California Consumer Privacy Act of 2018 (CCPA) and the California Privacy Rights Act (CPRA), does not apply to vessel or ownership information shared between a vessel manufacturer and dealer for the purpose of vessel repair covered by a warranty or recall conducted pursuant to federal law.

FISCAL EFFECT:

Possibly minor costs (Consumer Privacy Fund/General Fund (GF)) to the Department of Justice (DOJ) to revise regulations pertaining to enforcement and prosecution of the CCPA and the CPRA. Costs will be higher if DOJ is required to accept additional public comment on revised regulations.

COMMENTS:

1) **Purpose.** According to the author:

AB 335 allows manufacturers of recreational boats and marine engines to receive and retain specific contact information for buyers of its products for the limited and exclusive use of conducting product safety recalls and warranty verification.

2) **Background.** The CCPA provides every consumer with various rights relating to their personal information (PI), including the rights to access their PI, know what PI is sold or collected about them, delete PI that a business obtains from the consumer, and opt-out to the sale of their PI. The CCPA also provides for a limited private right of action to allow a consumer whose PI was impermissibly accessed to bring a lawsuit against the business for damages resulting from the data breach. This bill seeks to generally exempt from the CCPA any vessel information retained or shared between a manufacturer and a dealer in connection with a warranty or recall under federal law.

This bill is nearly identical to AB 1146 (Berman), Chapter 751, Statutes of 2019, which exempted the sharing of PI related to vehicle information for the purposes of warranty or recall work. The language of this bill is modeled directly after the vehicle exemption as it is constructed in current law, and would likewise prohibit the use or disclosure of retained

vessel and ownership information for any other purpose other than for recalls and warranty verification.

Analysis Prepared by: Kimberly Horiuchi / APPR. / (916) 319-2081