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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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### SB 346 (Wieckowski) - In-vehicle cameras

**Version:** February 9, 2021

**Urgency:** No

**Hearing Date:** April 5, 2021

**Policy Vote:** JUD. 10 - 1

**Mandate:** No

**Consultant:** Shaun Naidu

**Bill Summary:** SB 346 would require the disclosure of in-vehicle cameras installed by the manufacturer, restrict the use and retention of the recordings from such cameras, and prohibit compelling an entity to build specific features for the purpose of allowing the monitoring of communications.

#### **Fiscal Impact:**

- Department of Justice (DOJ): The department reports ongoing annual costs of \$366,000 for 1.0 Deputy Attorney General and 1.0 Legal Secretary to handle the anticipated workload associated with this measure. (General Fund)
- Courts: Unknown, potentially-significant workload cost pressures to the courts to adjudicate alleged violations of this measure. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated to backfill for trial court operations. The Governor's proposed 2021-2022 budget would appropriate \$118.3 million from the General Fund to backfill continued reduction in fine and fee revenue for trial court operations. (General Fund\*)

\*Trial Court Trust Fund

**Background:** It is illegal for a person or entity to provide the operation of a voice recognition feature within the 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. Moreover, existing law prohibits any actual recordings of spoken word collected through the operation of a voice recognition feature by the manufacturer of a connected television, or a third party contracting with a manufacturer of a connected television, from being sold or used for any advertising purpose. A person or entity cannot 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. These prohibitions cannot be waived. The Attorney General or a district attorney may enforce these provisions by seeking an injunction or a civil penalty in a court of competent jurisdiction.

**Proposed Law:** This bill would:

- Prohibit a person or entity from providing the operation of an in-vehicle camera within the state without prominently informing the user or the person designated by the user to purchase the vehicle.

- Prohibit any video recording collected through the operation of an in-vehicle camera by the manufacturer from being used for any advertising purpose or shared with, or sold to, any third party.
- Prohibit any recording obtained through operation of an in-vehicle camera by the manufacturer from being retained at any location other than the vehicle itself without the affirmative written or electronic consent of the user.
- Prohibit a person or entity from compelling a manufacturer or other entity providing the operation of an in-vehicle camera to build specific features for the purpose of allowing an investigative or law enforcement officer to monitor images through that feature.
- Provide that a waiver of the provisions of this bill is contrary to public policy and void and unenforceable.
- Allow the Attorney General or any district attorney to bring a civil action to prosecute, in a court of competent jurisdiction, a violation of the provisions of this bill.
- Provide that a person who knowingly engages, has engaged, or proposes to engage in a violation of this bill is liable for a civil penalty of up to \$2,500 for each vehicle equipped with an in-vehicle camera sold or leased in violation of this bill.
  - Require the penalty to be deposited into the General Fund if the action is brought by the Attorney General
  - Require the penalty to be paid to the treasurer of the county in which the judgment was entered if the action is brought by a district attorney.

**Related Legislation:** AB 1262 (Cunningham, 2021-2022 Reg. Sess.) would add smart speaker devices to the statutory scheme governing connected televisions. AB 1262 is pending in the Assembly Committee on Privacy and Consumer Protection.

**Staff Comments:** The Department of Justice anticipates an increased workload resulting from this measure. Committee staff queries if the additional personnel and costs reported by DOJ accurately reflects the enforcement workload that this measure would produce. Without specific information or an estimate as to the likely workload involved, the need for these positions appears to be speculative.

Relatedly, the fiscal impact of SB 346 to the courts will depend on many unknown factors, including the numbers of violations alleged to have occurred, if parties settle the matter before the filing of an action, and the factors unique to each case. While it is not known how many actions for alleged violations ultimately would be filed, it generally costs about \$8,032 (in FY 2020-2021) to operate a courtroom for one eight-hour day. Consequently, if alleged violations of SB 346 lead to the filing of cases that, combined, take 50 or more hours of court involvement, the cost pressures of this measure to the courts would surpass the Suspense File threshold. As indicated above, while courts are not funded on a workload basis, an increase in workload could result in delayed services and would put pressure to increase the backfill amount appropriated from the General Fund for trial court operations.

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