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HOUSE BILL 2399

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Hudgins and Smith

Prefiled 01/10/20.

1 AN ACT Relating to connected devices with a voice recognition  
2 feature; and adding a new chapter to Title 19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) A manufacturer may not provide the  
5 operation of a voice recognition feature without prominently  
6 informing the user of a connected device with a voice recognition  
7 feature during the initial setup or installation and distinctly  
8 separate from the device terms of service that:

9 (a) The device is equipped with a voice recognition feature; and

10 (b) The device may be used to process and retain recordings and  
11 transcriptions of spoken words.

12 (2) Any recordings or transcriptions collected through the  
13 operation of a voice recognition feature by the manufacturer may not  
14 be:

15 (a) Used for any advertising purpose;

16 (b) Disclosed to a third party; or

17 (c) Retained at any location, either electronically or otherwise,  
18 other than the connected device with a voice recognition feature that  
19 is under the control of the user for personal or household purposes  
20 unless the user first provides affirmative written consent.

1 (3) If a user provides affirmative written consent to have  
2 recordings or transcriptions retained, the manufacturer must provide  
3 the user with the ability to delete permanently any recordings or  
4 transcriptions retained pursuant to the user's affirmative written  
5 consent.

6 (4) A user may withdraw the affirmative written consent at any  
7 time. The affirmative written consent must be as easy to withdraw as  
8 it is to give.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires  
11 otherwise.

12 (1) "Affirmative written consent" means that:

13 (a) A manufacturer provided the following disclosure to a user  
14 during installation of the device and distinctly separate from the  
15 device terms of use:

16 "This device may be used to process and retain user  
17 recordings and transcriptions of spoken words. These  
18 recordings may be analyzed by . . . . (manufacturer name)  
19 and its employees for the purpose of improving the device.  
20 Please indicate whether or not you give your consent for the  
21 device to be used in this way. This consent is not required  
22 to use the basic functions of this device.

23 [ ] I authorize . . . . (manufacturer name) to retain my  
24 recordings and I understand that the recordings may be  
25 analyzed by the manufacturer and its employees solely for the  
26 purpose of improving the device.

27 [ ] I do not authorize . . . . (manufacturer name) to  
28 retain my recordings and I understand that I may not be able  
29 to access the enhanced smart features of this device."; and

30 (b) The user of the device with a voice recognition feature has  
31 clearly indicated consent to have the user's recordings retained and  
32 analyzed.

33 (2) "Connected device with a voice recognition feature" means any  
34 device sold in this state that is capable of connecting to the  
35 internet and is equipped with a voice recognition feature, including  
36 a wireless speaker or a device with an integrated virtual assistant  
37 that offers interactive actions and hands-free activation.

1 (3) "Manufacturer" means a person or entity providing the  
2 operation of a voice recognition feature on a connected device.

3 (4) "Retain" means saving or storing voice recorded data longer  
4 than the minimum time necessary to complete a user's request.

5 (5) "User" means a natural person who is a Washington resident  
6 and who purchases, leases, or takes ownership of a connected device  
7 with a voice recognition feature. A person who is incidentally  
8 recorded when a voice recognition feature is activated by a user is  
9 not a user.

10 (6) "Voice recognition feature" means the function of a connected  
11 device that allows the collection, recording, storage, analysis,  
12 transmission, interpretation, or other use of spoken words or other  
13 sounds, except that this term does not include spoken words or other  
14 sounds that are not recorded, retained, or transmitted beyond the  
15 connected device with a voice recognition feature.

16 NEW SECTION. **Sec. 3.** The legislature finds that the practices  
17 covered by this chapter are matters vitally affecting the public  
18 interest for the purpose of applying the consumer protection act,  
19 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
20 relation to the development and preservation of business and is an  
21 unfair or deceptive act in trade or commerce and an unfair method of  
22 competition for the purpose of applying the consumer protection act,  
23 chapter 19.86 RCW.

24 NEW SECTION. **Sec. 4.** Nothing in this chapter limits the  
25 applicability of or diminishes the protections provided under RCW  
26 9.73.030 relating to intercepting, recording, or divulging private  
27 communication.

28 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act  
29 constitute a new chapter in Title 19 RCW.

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