2015-2016 Legislative Summary
Assembly Committee on Privacy and Consumer Protection
Ed Chau, Chair

Members
Scott Wilk, Vice Chair
Catharine B. Baker
Ian C. Calderon
Ling Ling Chang
Jim Cooper
Matthew Dababneh
Mike Gatto
Richard S. Gordon
Evan Low
Kristin Olsen

Staff
Hank Dempsey, Chief Consultant
Jennie Bretschneider, Consultant
Jessica Langtry, Committee Secretary

CALIFORNIA LEGISLATURE

Assembly Privacy and Consumer Protection Committee

2015 – 2016 Legislative Bill Summary

Introduction

The jurisdiction of the Assembly Privacy and Consumer Protection Committee spans a wide range of technology-related issues, and includes matters affecting consumer protection in both the digital and analog worlds.

Specifically, the Committee has jurisdiction over matters related to privacy, the protection of personal information (including digital information), the security of data, and information technology, as well as false advertising, charitable solicitations, weights and measures, and consumer protection generally. The Committee is also responsible for oversight of the Department of Technology within the State's Government Operations Agency.

Common themes in legislation referred to the Committee this Session involved government and commercial use of personal data, restrictions on the private use of drones, regulation of law enforcement surveillance technologies, and cybersecurity.

During the 2015-16 Legislative Session, the Committee held a total of 21 hearings, consisting of 16 bill hearings, and five informational and oversight hearings.

A total of 107 bills were referred to the Committee during 2015 and 2016, and 91 bills were heard by the Committee. Fifty-three of those were ultimately chaptered into law.

Bills were distributed among the Committee's nine main topic areas as follows:

Privacy:	30 bills
Consumer Protection:	23 bills
Drones:	17 bills
Law Enforcement:	12 bills
Cybersecurity:	9 bills
Department of Technology:	6 bills
Information Technology:	5 bills
Charitable Solicitations:	3 bills
Weights and Measures:	2 bills

* * *

Charitable Solicitation

AB-241 (Gordon) - Bankruptcy: retired employees: disclosure of names and mailing addresses.
Requires a local public entity to provide the name and mailing address of each retired employee to an organization representing retired employees of the local public entity, in specified instances leading up to and when a local public entity files for bankruptcy.
Status: Chapter 252, Statutes of 2016

AB-556 (Irwin) – Charitable trusts: regulation and enforcement.
Strengthens the Attorney General's ability to enforce disclosure requirements for commercial fundraisers for charities, and establishes a 10-year statute of limitations for enforcement actions against these commercial fundraisers, consultants and other third parties who engage in fraud or prohibited conduct.
Status: Chapter 299, Statutes of 2015

AB-2855 (Frazier) - Charitable solicitations: financial disclosures.
Requires a charity's website and marketing materials to include a prominent link to the Attorney General's (AG) website for charitable solicitations, and requires the AG to publish consumer education information online about charities.
Status: Assembly-Died – Appropriations

Consumer Protection

AB-265 (Holden) - Consumer protection: buy-here-pay-here dealers.
Requires a buy-here-pay-here automobile dealer to provide five days' notice to consumers with weekly payment term contracts, or 10 days' notice on all other contracts, before using starter interrupt technology to disable an automobile after the consumer defaults on a finance payment, and increases the maximum fine amount for violations from $1,000 to $2,000.
Status: Chapter 179, Statutes of 2015

AB-287 (Gordon, Eggman, Mark Stone) - Vehicle safety: recalls.
Enacts the Consumer Automotive Recall Safety Act, which would prohibit a dealer or car rental company from loaning or renting a vehicle subject to a recall until the repair has been made.
Status: Chapter 682, Statutes of 2016

AB-312 (Jones) - Advertising.

Aligns California with the federal domestic content standard for use of the terms "Made in U.S.A.," "Made in America," "U.S.A." or similar words on merchandise, by requiring merchandise to have been "all or virtually all" made in the United States.
Status: Senate-Died - Judiciary

AB-589 (Lopez) - Online child care job posting services: consumer education.

Requires an online child care job posting service to include specified information regarding each child care provider on the website that lists provider information, including a description of the Trustline registry and the toll-free telephone number and the link to the website for the registry, a description of the availability of free child care referrals in every county, and an easy-to-understand overview of what is included, and not included, in a background check.
Status: Assembly-Died - Human Services

AB-613 (Chu) - Automatic renewals: cancellations: notice to consumers.

Requires the cancellation policy of a personal, nonessential services contract, if the contract contains an automatic renewal provision, in order to give a consumer the right to cancel for any reason upon 30 days' written notice to the business and to describe the procedure to cancel the contact.
Status: Assembly-Died - Privacy and Consumer Protection

AB-1360 (Ting) - Charter-party carriers of passengers: individual fare exemption.

Allows charter-party carriers of passengers, including transportation network companies, to charge individual fares to each rider, rather than a single group fare when providing carpool services.
Status: Senate-Died - Energy, Utilities and Communications

AB-1553 (Irwin) - Consumer credit reports: security freezes: protected person.

Permits a consumer to place a security freeze on a minor's or other protected person's credit report by making a request in writing by mail to a consumer credit reporting agency. Prohibits the consumer credit reporting agency from releasing the protected consumer's credit report or any information from it without express authorization. These provisions were later amended out of the bill.
Status: Chapter 317, Statutes of 2016

AB-1570 (Chang) - Collectibles: sale of autographed memorabilia.

Requires dealers who advertise and sell any type of autographed collectible to provide a certificate of authenticity to the purchaser, and generally expands the variety of

consumer protections that currently only apply to autographed sports memorabilia to cover all such collectibles.
Status: Chapter 258, Statutes of 2016

AB-1580 (Gatto, Irwin) - Consumer credit reports: security freezes: protected consumer.

Permits a parent or other legal representative to freeze a child's, or other protected person's, credit records with the three major consumer credit reporting agencies (CCRAs), and requires a CCRA to create a record for the protected consumer and impose a security freeze within 30 days of receiving a request if a file for that person does not already exist.
Status: Chapter 494, Statutes of 2016

AB-1581 (Rodriguez) - Consumer credit reports: security freezes: fees.

Prohibits a consumer credit reporting agency from charging a fee to a consumer for the placement of a security freeze, the removal of the freeze, the temporary lift of the freeze for a period of time, or the temporary lift of the freeze for a specific party, regarding access to a consumer credit report, except as specified.
Status: Assembly-Died - Banking and Finance

AB-1743 (Dababneh) - Electronic transactions: motor vehicle finance.

Authorizes sellers of motor vehicles to offer buyers entering into a conditional sale or lease contract for the purchase or lease of a vehicle the option of signing their respective contracts electronically at the seller's place of business.
Status: Senate-Died - Judiciary

AB-2036 (Lopez) - Online child care job posting services: background check service providers: enforcement.

Requires an online child care job posting service to post specified information related to background checks on its website and authorizes the Attorney General, a city attorney, or a county counsel to bring an action to impose a civil penalty on an online child care job posting service or background check service provider after certain steps are taken, as specified.
Status: Chapter 497, Statutes of 2016

AB-2051 (O'Donnell) - Rental passenger vehicles.

Reorganizes the statute regulating rental car agreements and modifies certain regulations that no longer reflect prevailing practices in consumer and industry behavior.
Status: Chapter 183, Statutes of 2016

AB-2387 (Mullin) - Vehicle equipment: supplemental restraint system components and nonfunctional airbags.

Particularizes the crime of selling counterfeit airbags, and increases the penalty for selling counterfeit airbags.
Status: Chapter 694, Statutes of 2016

AB-2526 (Achadjian) - Consumer goods: warranties: motor vehicle replacement.

Requires, in the case of a new motor vehicle replacement, the manufacturer to pay the lesser of reasonable repair, towing, and rental car costs and those costs actually incurred by the buyer.
Status: Assembly-Died - Privacy and Consumer Protection

AB-2609 (Chau) - Advertising: educational conferences.

Requires for-profit educational conference organizations that provide solicitation materials directly to a school, for purposes of distribution to a student, to include specified disclosures in those materials. Requires the materials to be provided in a sealed envelope addressed to the parent or guardian of the student, and requires the disclosures to be separate documents addressed to the school and to any employee thereof who is asked to distribute materials to a student.
Status: Chapter 185, Statutes of 2016

AB-2707 (Ridley-Thomas) - Stop Consumer Racial Profiling Act of 2016.

Prohibits a business establishment from using "consumer racial profiling" and defines "consumer racial profiling" to include the profiling or targeting of a person that results in differential treatment based on his or her race or ethnicity and that constitutes a denial or degradation in the product or service offered to customers or refusal to serve, removal from the business establishment premises, segregated seating, requiring additional forms of identification, race-based surveillance practices, and similar race-based practices. Gives the Department of Fair Employment and Housing the power to receive, investigate, conciliate, mediate, and prosecute complaints alleging a violation of this bill.
Status: Vetoed

AB-2837 (Jones) - Motor vehicle sales: warranty disclosures.

Requires a motor vehicle dealer to deliver to a buyer at the time of sale a specifically worded written statement relating to warranties, including that federal law prohibits the dealer from denying warranty coverage because routine maintenance or repairs were performed by someone other than the dealer or that aftermarket or recycled parts, were used, unless the part was defective or wasn't installed correctly and is proven to have damaged another part that is covered under warranty. Requires the statement to also

refer buyers to the Federal Trade Commission's website for further information regarding automobile warranties.
Status: Assembly-Died - Privacy and Consumer Protection

SB-300 (Mendoza) - Pawnbrokers: regulations.
Authorizes pawn transaction replacement loans to be conducted electronically.
Status: Chapter 417, Statutes of 2015

SB-386 (Allen) - Unlawful business practices.
Prohibits, pursuant to the Consumer Legal Remedies Act, the advertising, offering for sale, or selling of a financial product that is illegal under state or federal law, including any cash payment for the assignment to a third party of the consumer's right to receive future pension or veteran's benefits.
Status: Chapter 246, Statutes of 2015

SB-633 (Hill) - Consumer protection: "Made in U.S.A." label.
Permits merchandise with the words "Made in U.S.A." to be offered for sale if no more than 5% of the final wholesale value of the product is foreign-made, or no more than 10% is foreign-made if the content could not be produced or obtained domestically, regardless of cost.
Status: Chapter 238, Statutes of 2015

SB-778 (Allen) - Automotive repair: oil changes: notification to customers.
Requires an automotive repair dealer (ARD) who performs oil change services to use the manufacturer's published oil drain schedule, except as specified, when recommending an oil change to a customer; establishes a new registration type under the Bureau of Automotive Repair for automotive maintenance providers (AMPs); subjects AMPs to the oil changing requirements and other select ARD requirements, as specified; and makes other conforming changes.
Status: Vetoed

SB-1428 (Hernandez) - Contracts: automatic renewal provisions.
Requires that businesses offering automatic renewal or continuous service offers provide an email address or option on their website for the purpose of communicating the consumer's decision not to renew the contract or service.
Status: Assembly-Died- Privacy and Consumer Protection

Cybersecurity

AB-195 (Chau) - Unauthorized access to computer systems.
Makes it a misdemeanor, punishable by up to six months in prison, for any person to solicit another to join in the commission of specified crimes relating to unauthorized access of computer systems.
Status: Chapter 552, Statutes of 2015

AB-739 (Irwin) - Civil law: liability: communication of cyber security: threat information.
Provides, until January 1, 2020, that no cause of action shall lie or be maintained against any private entity for the sharing or receiving of cyber security-threat information if the communication is made without gross negligence, as specified. Also prohibits a private entity that is engaged in sharing or receiving cyber security-threat information from using that information to gain an unfair competitive advantage and requires that it, in good faith, makes reasonable efforts to safeguard communications, complies with any lawful restriction placed on the communication, transfers the cyber security-threat information as expediently as possible while upholding reasonable protections, and ensures that appropriate anonymization and minimization of the information contained in the communication, as specified
Status: Assembly-Died - Judiciary

AB-1172 (Chau) - California cyber security.
Codifies the existence of the California Cyber Security Task Force, created in 2013 by the Governor's Office of Emergency Services and the Department of Technology.
Status: Senate-Died - Floor (Inactive File)

AB-1681 (Cooper) - Smartphones.
Authorizes the imposition of a $2,500 civil penalty against the manufacturers and operating system providers of smartphones for the failure to decrypt, pursuant to a state court order, the contents of a smartphone sold or leased in California.
Status: Assembly-Died - Privacy and Consumer Protection

AB-1955 (Wilk) - State contracts: information technology goods and services: cybersecurity insurance.
Requires a state agency procuring information technology goods or services to give a preference to vendors that carry cybersecurity insurance.
Status: Assembly-Died - Accountability and Administrative Review

AB-2595 (Linder) - California Cybersecurity Integration Center.
Establishes the California Cybersecurity Integration Center, requires it to develop a cybersecurity strategy for California, and authorizes the administration of federal homeland security grant funding by the Office of Emergency Services.
Status: Assembly-Died - Appropriations

AB-2720 (Chau) - State government: Office of Information Security: cybersecurity vulnerability reporting.
Authorizes the state Office of Information Security to establish a Cybersecurity Vulnerability Reporting Reward Program that would provide a monetary reward to eligible individuals who identify and report previously unknown vulnerabilities in state computer networks.
Status: Assembly-Died - Appropriations

SB-1137 (Hertzberg) - Computer crimes: ransomware.
Separately defines as extortion the act of placing a contaminant or lock on a computer, computer system or data, coupled with a demand for payment of money or other consideration before the lock will be removed or control returned to owner or authorized user and, specifically defines such a contaminant or lock as "ransomware."
Status: Chapter 725, Statutes of 2016

SB-1444 (Hertzberg) - State government: computerized personal information security plans.
Requires each state agency to prepare a computerized personal information security plan that details the agency's strategy for responding to a security breach of computerized personal information and associated consequences.
Status: Senate-Died Floor (Inactive File)

Department of Technology

AB-558 (Low) - Public contracts: state contracts: information technology goods and services.
Requires the Department of Technology to develop procedures to make large-scale information technology procurements more efficient by requiring electronic submission of bids and other documents whenever possible. These provisions were later amended out of the bill.
Status: Chapter 3, Statutes of 2016

AB-670 (Irwin) - Security assessments.

Requires the Department of Technology to conduct, or require to be conducted, no fewer than 35 independent security assessments of state agencies, departments or offices annually.
Status: Chapter 518, Statutes of 2015

AB-805 (Burke) - Director of Technology: Procurement: training program.

Requires the Department of Technology, in cooperation with the Department of General Services, to establish and oversee a curriculum to provide procurement professionals with the advanced skills and training needed to work on complex information technology procurement projects; and requires a report to the Legislature on the training program by January 1, 2017.
Status: Assembly-Died - Appropriations

AB-1841 (Irwin) - Office of Emergency Services: duties: cybersecurity.

Requires the Department of Technology, in conjunction with the Office of Emergency Services, by July 1, 2018, to update the Technology Recovery Plan element of the State Administrative Manual to ensure the inclusion of cybersecurity strategy incident response standards for each state agency.
Status: Chapter 508, Statutes of 2016

AB-1881 (Chang) - Director of Technology: state baseline security controls.

Requires the Director of the California Department of Technology to develop and update mandatory baseline security controls for state networks based on industry and national standards, and annually measure the state's progress towards compliance.
Status: Assembly-In Committee Process - Appropriations

AB-2623 (Gordon, Irwin) - State information security costs: annual report.

Requires state agencies and entities, starting January 1, 2018, to report their information security expenditures on an annual basis to the Department of Technology.
Status: Chapter 389, Statutes of 2016

Drones

AB-14 (Waldron) - Unmanned aircraft: identification requirements.

Requires a person or public or private entity that owns or operates an unmanned aircraft system (UAS) to place specified identifying information or digitally store identifying information on that UAS. Exempts model aircraft from that requirement and makes a person or entity that violates that provision liable for a civil fine not to exceed $2,500. Authorizes the Attorney General, a district attorney, county counsel, or a city attorney to bring an action to recover that fine.

AB-37 (Campos) – Unmanned aircraft systems.

Generally prohibits public agencies from using unmanned aircraft systems (UAS), or contracting for the use of unmanned aircraft systems with certain exceptions applicable to law enforcement agencies and in certain other cases, including when the use or operation of the UAS achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence. These provisions were later amended out of the bill.

Status: Assembly-Died - Judiciary

AB-56 (Quirk) – Unmanned aircraft systems.

Requires law enforcement agencies to develop and follow an unmanned aircraft system (UAS) policy; to obtain a warrant based on probable cause unless exigent circumstances exist before each UAS use; to keep data collected from a UAS secure; and to purge UAS data after one year, with certain exceptions. Also requires a law enforcement agency to present the UAS policy to its governing body at a regularly scheduled public meeting, post the UAS policy on the agency's website, and review the policy every three years. These provisions were later amended out of the bill.

Status: Senate-Died - Rules

AB-856 (Calderon) - Invasion of privacy.

Expands the scope of the cause of action in existing law for the physical invasion of privacy by specifying that a person is liable for physical invasion of privacy if the person enters "into the airspace" above the land of another person without permission. Also requires that the entry must be made in order to capture a visual image, sound recording, or other physical impression of a person engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person.

Status: Chapter 521, Statutes of 2015

AB-1662 (Chau) - Unmanned aircraft systems: accident reporting.

Protects people from "hit and run" unmanned aircraft system (UAS) accidents by requiring hobbyist UAS operators to provide their name and address along with valid identification to the victim and police at the scene of a UAS accident.

Status: Vetoed

AB-1724 (Waldron) - Unmanned aircraft: identification requirements.

Requires a person or public or private entity that owns or operates an unmanned aircraft system (UAS) to place specified identifying information or digitally store identifying information on that UAS. Exempts model aircraft from that requirement and makes a person or entity that violates that provision liable for a civil fine up to $2,500. Authorizes

the Attorney General, a district attorney, county counsel, or a city attorney to bring an action to recover that fine.
Status: Assembly-Died - Privacy and Consumer Protection

AB-1820 (Quirk) - Unmanned aircraft systems.
Prohibits a law enforcement agency from using an unmanned aircraft system (UAS), obtaining a UAS from another public agency, or using information obtained from a UAS except as specifically authorized. Authorizes a law enforcement agency to use a UAS if it develops a policy on the use of UAS that meets specified requirements. Prohibits a law enforcement agency from using a UAS to surveil private property, unless the law enforcement agency obtains a search warrant or express permission to search the property, or an exigent circumstance exists. Requires any images, footage, or data obtained through the use of a UAS to be permanently destroyed within one year, and would prohibit a person or entity from equipping or arming a UAS with a weapon or other device.
Status: Senate-Failed Passage in Committee - Judiciary

AB-2148 (Holden) - Unmanned aircraft systems: operation or use within or over state-managed lands or waters.
Prohibits the launching, landing, or operation of unmanned aircraft systems (UAS) from lands, waters and airspace managed by the California Department of Fish and Wildlife (CDFW) or the Department of Parks and Recreation (DPR), except as authorized by DPR or CDFW by regulation or permit.
Status: Vetoed

AB-2320 (Calderon, Low) - Unmanned aircraft systems.
Prohibits the operation of unmanned aircraft systems (UAS) in a manner that violates a protective order, constitutes stalking, interferes with emergency response personnel, or facilitates delivery of contraband into a jail or prison; and also allows a judge to prohibit a sex offender from using a UAS.
Status: Vetoed

AB-2724 (Gatto) - Unmanned aircraft.
Requires unmanned aircraft system (UAS) makers to provide safety and registration disclosures with the UAS at the point of sale, requires certain UAS to be outfitted with a "geofencing" feature that prevents operation within any area prohibited by local, state, or federal law, and requires UAS owners to have adequate liability insurance on January 1, 2020.
Status: Vetoed

SB-142 (Jackson) - Civil law: unmanned aerial vehicles.

Makes it a trespass to operate an unmanned aircraft system less than 350 feet above the ground in the airspace overlying the property of another without permission or legal authority, while providing an exception for the lawful activities of law enforcement agencies and other public or private entities.
Status: Vetoed

SB-168 (Gaines, Jackson) - Unmanned aircraft systems.

Increases fines for unmanned aircraft system (UAS) interference with firefighting activities and grants civil immunity to public entities, public employees, unpaid volunteers and private entities acting within the scope of delegated authority that damage a UAS in the course of providing a variety of emergency services.
Status: Vetoed

SB-170 (Gaines) - Unmanned aircraft systems: correctional facilities.

Prohibits knowingly and intentionally operating an unmanned aircraft system (UAS) over a state prison or county jail, but makes an exception for authorized prison employees and entities operating a UAS, as authorized by the Federal Aviation Administration.
Status: Vetoed

SB-271 (Gaines) - Unmanned aircraft systems.

Prohibits knowingly and intentionally operating an unmanned aircraft system (UAS) less than 350 feet above a public school campus or using a UAS to capture images of a public school campus during school hours without the written permission of the school principal, while providing an exception for law enforcement and entities operating a UAS, as authorized by the Federal Aviation Administration.
Status: Vetoed

SB-807 (Gaines) - Unmanned aircraft systems.

Seeks to provide local public entities and public employees of local public entities with immunity from civil liability for any damage to an unmanned aircraft or unmanned aircraft system (UAS), if the damage was caused while the local public entity and public employee of the local public entity was providing, and the UAS was interfering with, the operation, support, or enabling of specified emergency services. Applies the same immunity protection for local public entities and public employees of local public entities, above, to emergency responders who are private entities or paid or unpaid volunteers, if those emergency responders are acting within the scope of authority implicitly or expressly provided by a local public entity or public employee of a local public entity.
Status: Chapter 834, Statutes of 2016

SB-868 (Jackson) - State Remote Piloted Aircraft Act.

Establishes the State Remote Piloted Aircraft Act, which governs where and how unmanned aircraft systems (UAS) may operate, and establishes state-level regulatory and enforcement authority over UAS for the California Department of Transportation, the California Office of Emergency Services, the California Department of Fish and Wildlife, the California Department of Parks and Recreation, and the California Highway Patrol.
Status: Assembly-Failed Passage in Committee - Privacy and Consumer Protection

SJR-18 (Wolk) - Small unmanned aircraft systems.

Urges the President of the United States and the United States Secretary of Transportation to allow for the operation of small unmanned aircraft systems by farmers and rangeland managers pursuant to emergency rules adopted by the Administration.
Status: Chapter 43, Statutes of 2016

Information Technology

AB-1129 (Burke) - Emergency medical services: data and information system.

Requires an emergency medical services (EMS) provider, when collecting and submitting data to a local emergency medical services agency (LEMSA), to use an electronic health record system (EHR) that is compliant with state and federal Emergency Medical Services Information System standards, as well as the LEMSA standards, and prohibits a LEMSA from mandating that an EMS provider use a specific EHR system to collect and share this data.
Status: Chapter 377, Statutes of 2015

AB-1192 (Quirk) - Fair Information Practices Act.

Requires a person that provides a mobile operating system or platform that is used by an operator or developer of a mobile application that collects personal data from an individual California user to create universal and binding privacy policy standards that are based on specified principles.
Status: Assembly-Died - Privacy and Consumer Protection

AB-1215 (Ting) - California Open Data Standard.

Establishes the California Open Data Act, which would require the Governor to appoint a Chief Data Officer (CDO) and requires that CDO to work with state agencies and experts to create a California Open Data Standard and a centralized Internet web portal for the public to access public data from state agencies.
Status: Assembly-Died - Appropriations

AB-2068 (Holden) - Talent services.
Updates existing communication and contractual protections in the Talent Services Act to include new technologies, such as mobile applications.
Status: Chapter 245, Statutes of 2016

SB-573 (Pan) - Statewide open data portal.
Requires the Governor to appoint a Chief Data Officer (CDO), and requires the CDO to establish a statewide open data portal where the public can access public data held by state agencies.
Status: Assembly-Died - Appropriations

Law Enforcement

AB-66 (Weber) - Peace officers: body-worn cameras.
Imposes specified requirements and prohibitions on the use of a body-worn camera, including a requirement that the agency conspicuously post its policies and procedures regarding body-worn cameras on its website, and a prohibition on a peace officer operating a body-worn camera under certain circumstances. Further requires that when a peace officer is involved in an incident involving a serious use of force, the officer may only review his or her body-worn camera video after making an initial statement and report.
Status: Assembly-Died - Appropriations

AB-69 (Rodriguez) - Peace officers: body-worn cameras.
Requires law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data from body-worn cameras.
Status: Chapter 461, Statutes of 2015

AB-929 (Chau) - Pen registers: authorized use.
Authorizes state and local law enforcement to apply for a court order to use pen register and trap and trace devices for communications surveillance under state law, and provides for the issuance of an emergency order to use pen registers and trap and trace devices under certain conditions.
Status: Chapter 204, Statutes of 2015

AB-1924 (Low) Privacy: electronic communications.
Provides an exemption from the Electronic Communications Privacy Act for pen registers and trap and trace devices to permit authorization for the devices to be used for 60 days.
Status: Chapter 511, Statutes of 2016

AB-1940 (Cooper) - Peace officers: body-worn cameras: policies and procedures.

Requires law enforcement agencies that employ peace officers to develop body-worn camera policies and specifies that these policies are subject to collective bargaining.
Status: Senate-Failed Passage in Committee - Public Safety

AB-2533 (Santiago) - Public safety officers: recording devices: release of recordings.

Requires that a public safety officer be given a minimum of three business days' notice before any audio or video data of the officer that was recorded by the officer may be publicly released by the department or other public agency on the Internet.
Status: Senate-Failed Passage in Committee - Public Safety

AB-2611 (Low) - The California Public Records Act: visual or audio recording of peace officer's death: conditional exemption from disclosure.

Exempts from disclosure, in response to a California Public Records Act request, audio and video recordings that show a peace officer being killed in the line of duty, except with permission of the officer's surviving family, when those recordings are within law enforcement investigative files.
Status: Assembly-Died – Judiciary

SB-34 (Hill) - Automated license plate recognition systems: use of data.

Imposes a variety of security, privacy, and public hearing requirements on the use of automated license plate recognition systems, as well as a private right of action and specified remedies for a violation.
Status: Chapter 532, Statutes of 2015

SB-175 (Huff, Gaines) - Peace officers: body-worn cameras.

Requires each department or agency that employs peace officers and that elects to require those peace officers to wear body-worn cameras to develop a policy relating to the use of body-worn cameras, which must address how the camera will be operated, how long the data will be stored, processes for public disclosure and officer access and review, and any training provided.
Status: Assembly-Died Floor (Inactive File)

SB-178 (Leno, Anderson) - Privacy: electronic communications: search warrant.

Creates the California Electronic Communications Privacy Act, which generally requires law enforcement entities to obtain a search warrant before accessing data on an electronic device or from an online service provider.
Status: Chapter 651, Statutes of 2015

SB-424 (Pan) - Law enforcement: communications.

Authorizes university and college peace officers to overhear or record conversations in sexual assault investigations as other law enforcement officials currently may, and also clarifies that they may use body-worn cameras.
Status: Chapter 159, Statutes of 2015

SB-741 (Hill) - Mobile communications: privacy.

Requires local agencies to publicly approve or disclose the acquisition of cellular communications interception technology, requires local agencies to develop and release a usage and privacy policy for that technology, and provides for civil remedies in the event of a violation.
Status: Chapter 659, Statutes of 2015

Privacy

AB-83 (Gatto) – Personal data.

Modifies the scope of "personal information" for which businesses must implement and maintain reasonable security procedures and practices in order to protect the information from unauthorized access, destruction, use, modification, or disclosure. Adds geolocation information, tax identification numbers, passport numbers, biometric information, military identification numbers, and government issued employment identification numbers, to the list of protected personal information.
Status: Senate-Failed Passage in Committee - Judiciary

AB-170 (Gatto) - Newborn screening: genetic diseases: blood samples collected.

Requires the Department of Public Health to provide information about genetic testing and to obtain a signed form, as specified, from a parent or guardian of a newborn child regarding the collection of blood samples. Allows parents and guardians, and individuals at least 18 years of age, to request that blood samples not be used for medical research, or to be destroyed, or both, as specified.
Status: Senate-Died – Health

AB-259 (Dababneh) - Personal information: privacy.

Requires a state or local agency, if the agency was the source of a data breach that compromised specified personal information of a person, to offer appropriate identity theft prevention and mitigation services at no cost to the affected person for at least 12 months.
Status: Senate-Died – Appropriations

AB-322 (Waldron) - Privacy: social security numbers.

Prohibits a person, entity, state agency, or local agency from electronically collecting, retaining, maintaining, licensing, sharing, transmitting or using a Social Security number, unless the number is encrypted, with numerous exceptions.
Status: Assembly-Died - Privacy and Consumer Protection

AB-634 (Calderon) – Vacation ownership and time-share: owners list.

Amends the Vacation Ownership and Time-Share Act of 2004 to prohibit a time-share owner's association from publishing its list of owners or providing a copy of that list to any time-share interest owner or to any third party, or from using or selling the list for commercial purposes. Requires the association to provide a copy of the list to an owner for a purpose reasonably related to membership in the association, as specified, and enacts procedures to govern the processing of requests to receive copies of the list. These provisions were later amended out of the bill.
Status: Senate-Died - Rules

AB-691 (Calderon) – The Privacy Expectation Afterlife and Choices Act (PEAC).

Establishes the Privacy Expectation Afterlife and Choices Act ("the Act") to establish rules for when electronic records or content from a deceased person's account with an electronic communication service (e.g., email provider) or remote computing service provider (e.g., social media website) can be disclosed to the executor or administrator of the deceased person's estate for purposes of administering the estate. These provisions were later amended out of the bill.
Status: Chapter 551, Statutes of 2016

AB-817 (Calderon) - Privacy: students.

Narrows the breadth of the Student Online Personal Information Protection Act so that its restrictions on the use of online websites or mobile applications to collect data on students and target advertising to them no longer apply to parents or students 14 years of age or older regarding postsecondary or extracurricular educational, military, or career products or services.
Status: Assembly-Died - Privacy and Consumer Protection

AB-886 (Chau) - Transportation service network provider: passenger privacy.

Prohibits a transportation network company from disclosing to a third party any personally identifiable information unless the passenger affirmatively consents through an opt-in selection, as specified.
Status: Assembly-Died - Utilities and Commerce

AB-964 (Chau) - Civil law: privacy.
Defines the word "encrypted" as used in California's Data Breach Notification Law to mean rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security.
Status: Chapter 522, Statutes of 2015

AB-1116 (Committee on Privacy and Consumer Protection) - Connected televisions.
Prohibits the collection and use of spoken words and conversations captured by Internet-connected televisions, commonly known as "connected televisions" or "smart TVs," without first informing the user, and prohibits using or selling for advertising purposes any spoken words or sounds that were collected through a connected television for the specific purpose of improving the voice recognition feature.
Status: Chapter 524, Statutes of 2015

AB-1310 (Gatto) - Disorderly conduct: unlawful distribution of image.
Expands jurisdiction for crimes, including "revenge porn," where a person intentionally distributes an image of intimate body parts or sexual acts of another person, where it was agreed that the image would remain private, causing emotional distress.
Status: Chapter 643, Statutes of 2015

AB-1541 (Committee on Privacy and Consumer Protection) - Privacy: personal information.
Updates existing privacy-related law by expanding the definition of "personal information" in the information security law to include health insurance information, and a username or email address combined with a password or security question and answer for access to an online account.
Status: Chapter 96, Statutes of 2015

AB-1687 (Calderon) - Customer records: age information: commercial online entertainment employment service providers.
Prohibits a commercial online entertainment employment service provider that enters into an agreement to provide certain employment services from publishing information about the subscriber's age in an online profile of the subscriber, and requires the provider to remove the subscriber's age information from public view in any online profile of the subscriber on any companion website under the provider's control, if requested by the subscriber.
Status: Chapter 555, Statutes of 2016

AB-2097 (Melendez, Gatto, Gonzalez) - Pupil records: social security numbers.

Prohibits a local educational agency from collecting or soliciting Social Security numbers or the last four digits of Social Security numbers from students or their parents.
Status: Chapter 184, Statutes of 2016

AB-2119 (Chu) - Medical information: disclosure: medical examiners and forensic pathologists.

Authorizes licensed physicians who perform official autopsies on behalf of a county coroner's office or the medical examiner's office to receive medical information for specified purposes. Requires a health facility, as defined, a health or behavioral health facility or clinic, and the physician in charge of the patient to release a patient's medical record relating to community mental health services, voluntary admissions and judicial commitments to mental hospitals, and county psychiatric hospitals to a medical examiner, forensic pathologist, or coroner, as specified, upon request, when a patient dies from any cause, natural or otherwise.
Status: Chapter 690, Statutes of 2016

AB-2263 (Baker) - Protection of victims of domestic violence, sexual assault, or stalking, and reproductive health care service providers: address confidentiality.

Standardizes the confidentiality protections for Safe at Home (SAH) program participants, regardless of whether their participation is based on their status as victims of domestic violence, stalking, or sexual assault, or on their status as a patient, employee, or volunteer at a reproductive health care clinic; and requires the Secretary of State to provide SAH enrollees with information about how to protect their privacy on real estate property records.
Status: Chapter 881, Statutes of 2016

AB-2433 (Travis Allen) - Voter registration database: Electronic Registration Information Center.

Authorizes the Secretary of State (SOS) to join an interstate voter data exchange, called the Electronic Registration Information Center (ERIC) and waives all California voter confidentiality and voter data security laws in order to allow the SOS to share confidential voter records with ERIC.
Status: Assembly-Died - Appropriations

AB-2459 (McCarty) - Firearms dealers: conduct of business.

Requires a licensed gun dealer (licensee) to have a video surveillance system and to record the facial image of each gun buyer, prohibits a licensee from doing business out

of his or her home, and gives the Department of Justice authority to impose fines for violation of the bill.
Status: Assembly-Failed Passage in Committee- Privacy and Consumer Protection

AB-2498 (Bonta) - Human trafficking.
Protects the names, addresses, and images of victims of human trafficking, and of their families, from public disclosure.
Status: Chapter 644, Statutes of 2016

AB-2636 (Linder, Dababneh) - Certified copies of marriage, birth, and death certificates: electronic application.
Allows an official, if an electronic request for a certified copy of a birth, death, or marriage record is made, to accept an electronic verification of identity of the applicant using a remote identity proofing process or a notarized statement of identity, to ensure the applicant is authorized under law to receive that record.
Status: Chapter 527, Statutes of 2016

AB-2688 (Gordon) - Privacy: commercial health monitoring programs.
Prohibits the operator of a commercial health monitoring program, such as a wearable fitness device connected to the Internet, from sharing or using a consumer's health monitoring information without explicit authorization, and prohibits employers from using health monitoring information collected through a commercial health monitoring program from discriminating against employees.
Status: Senate-Died Floor

AB-2799 (Chau) - Privacy: personal information: preschool and prekindergarten purposes.
Prohibits operators of websites, online services, and mobile apps that are designed, marketed and used primarily for prekindergarten and preschool pupils, from using data about those pupils for targeting, marketing or profiling, and prohibits selling or disclosing a pupil's information with limited exceptions.
Status: Chapter 620, Statutes of 2016

AB-2828 (Chau) - Personal information: privacy: breach.
Expands current data breach notice law to require notice when encrypted data containing personal information, as defined, is acquired -- or is reasonably believed to have been acquired -- by an unauthorized person, if the encryption key or security credential was also acquired -- or was reasonably believed to have been acquired -- by an unauthorized person, and there is reasonable belief that the encryption key or security credential could render the personal information readable or useable.
Status: Chapter 337, Statutes of 2016

ACR-120 (Mark Stone) - Data trusts: at-risk children.

Recognizes that the Legislature supports the development of safe and secure data sharing between public education, social service, and research entities through the Silicon Valley Regional Data Trust as it pertains specifically to at-risk, foster, homeless, and justice-involved children and youth and their families, in order to better serve, protect, and improve the futures of these Californians.
Status: Chapter 97, Statutes of 2016

SB-514 (Anderson) - California Health Benefit Exchange.

Prohibits the California Health Benefit Exchange from disclosing personal information obtained from an application for health care coverage to a certified insurance agent or certified enrollment counselor without the consent of the applicant.
Status: Chapter 146, Statutes of 2016

SB-570 (Jackson) - Personal information: privacy: breach.

Creates a standard format for data breach notices with subheadings to improve readability; requires a business or agency that posts a breach notice on its website, under the substitute breach notice requirements, to post a conspicuous link to the notice on the business or agency Internet homepage for at least 30 days; and provides a model security breach notification form that entities may use to comply with formatting requirements.
Status: Chapter 543, Statutes of 2015

SB-690 (Stone) - Privacy.

Expands the definition of the crime of stalking to include willfully, maliciously, and repeatedly tracking another person with an electronic tracking device. These provisions were later amended out of the bill.
Status: Assembly-Died - Appropriations

SB-1051 (Hancock) - Vehicles: parking enforcement: video image evidence.

Authorizes the Alameda-Contra Costa Transit District, until January 1, 2022, to enforce parking violations in transit-only traffic lanes.
Status: Chapter 427, Statutes of 2016

SB-1121 (Leno) - Privacy: electronic communications: search warrant.

Makes technical and clean-up changes to the Electronic Communications Privacy Act.
Status: Chapter 541, Statutes of 2016

SB-1159 (Hernandez) - California Health Care Cost, Quality, and Equity Data Atlas.
Requires the California Health and Human Services Agency to research the options for developing a cost, quality, and equity transparency database that is consistent with the confidentiality of medical information in existing law.
Status: Chapter 727, Statutes of 2016

Weights and Measures

AB-296 (Dodd) - Weights and measures: inspection: fees.
Extends, from January 1, 2016, to January 1, 2019, the authority of the board of supervisors of a county and the state Department of Food and Agriculture to charge fees to recover the costs of the County Sealer related to the inspection and testing of weighing and measuring devices.
Status: Chapter 133, Statutes of 2015

AB-2307 (Chau) - Weights and measures: reporting fraud.
Establishes a uniform reporting protocol for service agents that discover a device that facilitates fraud found during their repair of a weighing and measuring device.
Status: Chapter 329, Statutes of 2016

Governor's Veto Messages

AB-2707 (Ridley-Thomas) - Stop Consumer Racial Profiling Act of 2016.
Prohibits a business establishment from using "consumer racial profiling" and defines "consumer racial profiling" to include the profiling or targeting of a person that results in differential treatment based on his or her race or ethnicity.

Governor's Veto Message:
To the Members of the California State Assembly:

I am returning Assembly Bill 2707 without my signature.

This bill creates a cause of action to enforce a prohibition on racial profiling of consumers.

The Unruh Civil Rights Act -- in a more expansive way -- already prohibits the racial discrimination covered by this bill. Moreover, the state has vested in the Department of Fair Employment and Housing a full range of strong enforcement authority, including for those claims dealing with racial profiling.

Sincerely,
Edmund G. Brown Jr.

SB-778 (Allen) - Automotive repair: oil changes: notification to customers.
Requires an automotive repair dealer (ARD) who performs oil change services to use the manufacturer's published oil drain schedule when recommending an oil change to a customer.

Governor's Veto Message:
To the Members of the California State Senate:

I am returning Senate Bill 778 without my signature.

This bill creates a new registration category for oil change stations under the Bureau of Automotive Repair.

I believe that, before a new registration program is enacted, a more comprehensive review is needed. AB 873, which I signed, provides just that process.

Sincerely,

Edmund G. Brown Jr.

AB-1662 (Chau) - Unmanned aircraft systems: accident reporting.

Protects people from "hit and run" unmanned aircraft system (UAS) accidents by requiring hobbyist UAS operators to provide their name and address along with valid identification to the victim and police at the scene of a UAS accident.

Governor's Veto Message:

To the Members of the California State Assembly:

I am returning Assembly Bill 1662 without my signature.

This bill requires hobbyist drone operators to provide, at the scene of an accident caused by their drone, their name and home address along with valid identification.

Rather than creating a new misdemeanor crime, I believe it would be fairer and more effective to explore a more comprehensive approach that takes into account federal regulations on this subject. Piecemeal is not the way to go.

Sincerely,
Edmund G. Brown Jr.

AB-2148 (Holden) - Unmanned aircraft systems: regulation.

Prohibits the launching, landing, or operation of unmanned aircraft systems from lands, waters and airspace managed by the California Department of Fish and Wildlife or the Department of Parks and Recreation, except as authorized by regulation or permit.

Governor's Veto Message:

To the Members of the California State Assembly:

I am returning Assembly Bill 2148 without my signature.

This bill prohibits the operation of a drone over lands managed by the Department of Parks and Recreation or the Department of Fish and Wildlife.

These departments have authority to promulgate regulations regarding drone use within their respective jurisdictions. In fact, the Department of Parks and Recreation is in the process of developing a regulatory approach to this issue.

I am directing both departments to explore how best to address the concerns raised by this bill.

Sincerely,
Edmund G. Brown Jr.

AB-2320 (Calderon, Low) - Unmanned aircraft systems.

Prohibits the operation of unmanned aircraft systems (UAS) in a manner that violates a protective order, constitutes stalking, interferes with emergency response personnel, or facilitates delivery of contraband into a jail or prison; and also allows a judge to prohibit a sex offender from using a UAS.

Governor's Veto Message:

To the Members of the California State Assembly:

I am returning Assembly Bill 2320 without my signature.

This bill prohibits the operation of a drone in a manner that violates a protective order, constitutes stalking, interferes with emergency response personnel, or facilitates delivery of contraband into a jail or prison. The bill also allows a court to bar a registered sex offender from operating a drone.

Current law is sufficient to prosecute the violations referenced in this bill. There is no need to add special reference to drones in multiple places in the penal code.

Sincerely,
Edmund G. Brown Jr.

AB-2724 (Gatto) - Unmanned aircraft.

Requires unmanned aircraft system (UAS) makers to provide safety and registration disclosures with the UAS at the point of sale, requires certain UAS to be outfitted with a "geofencing" feature that prevents operation within any area prohibited by local, state, or federal law, and requires UAS owners to have adequate liability insurance on January 1, 2020.

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2724 without my signature.

This bill mandates that drone hobbyists be covered by adequate liability insurance when operating drones and requires drone manufacturers to install "geo-fencing" software on drones that are equipped with global positioning satellite technology.

This bill creates significant regulatory confusion by creating a patchwork of federal, state, and local restrictions on airspace. Moreover, the Federal Aviation Administration will likely assert federal preemption on the bill's "geo-fencing" requirements. I believe it's more prudent to explore a more comprehensive approach that takes into account federal regulations on this subject. Piecemeal is not the way to go.

Sincerely,
Edmund G. Brown Jr.

SB-142 (Jackson) - Civil law: unmanned aerial vehicles.

Makes it a trespass to operate an unmanned aircraft system less than 350 feet above the ground in the airspace overlying the property of another without permission or legal authority, while providing an exception for the lawful activities of law enforcement agencies and other public or private entities.

Governor's Veto Message:

To the Members of the California State Senate:

I am returning Senate Bill 142 without my signature.

This bill would enact trespass liability for anyone flying a drone less than 350 feet above real property without the express permission of the property owner, whether or not anyone's privacy was violated by the flight.

Drone technology certainly raises novel issues that merit careful examination. This bill, however, while well-intentioned, could expose the occasional hobbyist and the FAA-approved commercial user alike to burdensome litigation and new causes of action.

Before we go down that path, let's look at this more carefully.

Sincerely,

Edmund G. Brown Jr.

SB-168 (Gaines, Jackson) - Unmanned aircraft systems.
Increases fines for unmanned aircraft system (UAS) interference with firefighting activities and grants civil immunity to public entities, public employees, unpaid volunteers and private entities acting within the scope of delegated authority that damage a UAS in the course of providing a variety of emergency services.

<u>**Governor's Veto Message:**</u>
Governor's veto message: To the Members of the California State Senate:

I am returning the following nine bills without my signature:

Assembly Bill 144
Assembly Bill 849
Senate Bill 168
Senate Bill 170
Senate Bill 271
Senate Bill 333
Senate Bill 347
Senate Bill 716
Senate Bill 722

Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.

Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.

Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

Sincerely,
Edmund G. Brown Jr.

SB-170 (Gaines) - Unmanned aircraft systems: correctional facilities.
Prohibits knowingly and intentionally operating an unmanned aircraft system (UAS) over a state prison or county jail, but makes an exception for authorized prison employees and entities operating a UAS, as authorized by the Federal Aviation Administration.

Governor's Veto Message:
Governor's veto message: To the Members of the California State Senate:

I am returning the following nine bills without my signature:

Assembly Bill 144
Assembly Bill 849
Senate Bill 168
Senate Bill 170
Senate Bill 271
Senate Bill 333
Senate Bill 347
Senate Bill 716
Senate Bill 722

Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.

Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.

Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

Sincerely,
Edmund G. Brown Jr.

SB-271 (Gaines) - Unmanned aircraft systems.
Prohibits knowingly and intentionally operating an unmanned aircraft system (UAS) less than 350 feet above a public school campus or using a UAS to capture images of a public school campus during school hours without the written permission of the school principal, while providing an exception for law enforcement and entities operating a UAS, as authorized by the Federal Aviation Administration.

<u>Governor's Veto Message:</u>
Governor's veto message: To the Members of the California State Senate:

I am returning the following nine bills without my signature:

Assembly Bill 144
Assembly Bill 849
Senate Bill 168
Senate Bill 170
Senate Bill 271
Senate Bill 333
Senate Bill 347
Senate Bill 716
Senate Bill 722

Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.

Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.

Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

Sincerely,
Edmund G. Brown Jr.