

CALIFORNIA LEGISLATURE

Assembly Privacy and Consumer Protection Committee

2019 - 2020 Legislative Bill Summary

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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.

During the 2019-2020 Legislative Session, the Committee held a total of 12 hearings, consisting of eight bill hearings, and four informational and oversight hearings.

A total of 216 bills were referred to the Committee during 2019 and 2020, and 70 bills were heard by the Committee. Thirty-three of those were ultimately chaptered into law.

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

California Consumer Privacy Act of 2018	9 bills
Privacy:	10 bills
Consumer Protection:	22 bills
Artificial Intelligence:	6 bills
Cybersecurity and Data Breach:	5 bills
Information Technology and CDT:	4 bills
Drones:	2 bills
Law Enforcement Use of Technology:	3 bills

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Artificial Intelligence

[AB-459 \(Kiley\) - State government: Artificial Intelligence in State Government Services Commission: report.](#)

On or before November 1, 2020, requires the Artificial Intelligence in State Government Services Commission to report to the Legislature, as specified under existing law, its recommended minimum standards for the use of AI in state government and that those minimum standards must include all of the following: 1) fostering accountability in state government services, as specified; 2) prioritizing the safety and security of AI technologies used by state agencies, as specified; 3) protecting the privacy of California residents; and 4) establishing processes to monitor the impact of AI technologies throughout California, as specified.

Status: Assembly-Died - Appropriations

[AB-594 \(Salas\) - Artificial intelligence.](#)

Authorizes the director of the California Department of Technology (CDT) to designate a position within the department to evaluate the uses of artificial intelligence (AI) in state government and to advise the Director of Technology on incorporating AI into state information technology (IT) strategic plans, policies, standards and enterprise architecture, and requires CDT to adopt guidelines by January 1, 2021 to govern the use and implementation of AI technologies in state government functions, as specified. In his veto message, the Governor argued that legislation is not necessary to accomplish the goals of this bill because "the newly established Future of Work Commission is broadly examining the impact of artificial intelligence on work and our economy."

Status: Assembly-Vetoed

[AB-976 \(Chau\) - Artificial Intelligence in State Government Services Commission.](#)

Establishes the Artificial Intelligence in State Government Services Commission (Commission) as an advisory commission comprised of six appointed members and two designated ex officio members with certain knowledge and expertise related to the field of artificial intelligence (AI). Requires the Commission to: 1) convene a public process to gather certain input; 2) provide a plan for soliciting and incorporating AI and data science related demonstration projects into state services, as specified; 3) establish guiding principles for the proposed plan on or before November 1, 2020; and 4) provide its recommendations to the Legislature and the Governor by November 1, 2021 and every year thereafter.

Status: Senate-Died - Appropriations

[AB-1576 \(Calderon\) - Secretary of Government Operations: working group: technology.](#)

Requires the Secretary of Government Operations to appoint participants to an artificial intelligence (AI) working group on or before July 1, 2020, comprised of individuals representative of California's demographic and cultural diversity. Requires the working group to evaluate the uses, risks, benefits, and legal implications associated with the development and deployment of AI by California-based businesses, and recommend best practices for the development and deployment of AI by California-based businesses in order to foster the following: 1) ethical and responsible innovation; 2) identification and elimination of bias in algorithms; 3) transparency and accountability; 4) safety and security in the operation of AI systems; 5) benefits that are enjoyed by the full spectrum of social and economic classes; 6) protection of consumer and civil rights, including privacy and liberty; 7) creation of job and training opportunities to mitigate the possibility of job displacement; 8) alignment of human values with innovation; and, 9) support of social and civil processes. Requires the working group, on or before July 1, 2021, to report to the Legislature on the evaluations and recommendations described above, and repeals these provisions on January 1, 2023.

Status: Senate-Died - Appropriations

[SB-348 \(Chang\) - Department of Technology: Department of Motor Vehicles: artificial intelligence: strategic plans.](#)

Requires the Director of the California Department of Technology (CDT) to develop a strategic plan to aid departments and agencies with incorporating artificial intelligence (AI) into state information technology (IT) operations, as specified, and encourages the appointment and designation of other state-level AI advisers and officers.

Status: Assembly-Died - Appropriations

[SJR-6 \(Chang\) - Artificial intelligence.](#)

Urges the President and the Congress of the United States to develop a comprehensive Artificial Intelligence (AI) Advisory Committee and to adopt a comprehensive AI policy.

Status: Chapter 112, Statutes of 2019

California Consumer Privacy Act of 2018 (CCPA)

[AB-25 \(Chau\) - California Consumer Privacy Act of 2018.](#)

Generally exempts from the scope of the California Consumer Privacy Act (CCPA), until January 1, 2021, personal information (PI) collected by a business in certain limited

employment-related contexts. Specifically, PI collected by a business would be exempted from the CCPA where: 1) the PI is collected about a natural person in the course of the natural person acting as a job applicant to, employee of, owner of, director of, officer of, medical staff member of, or contractor of the business to the extent the PI is collected and used solely in those contexts; 2) the PI collected is emergency contact information of such individuals to the extent the PI is collected and used solely in that context; and, 3) the PI is necessary to be retained for the administration of benefits to the extent the PI is collected and used solely within that context. The exceptions do not apply to the consumer's right to know or to the consumer's limited private right of action under the CCPA. Separately, also authorizes a business to require reasonable authentication of consumers in connection with their CCPA requests, as specified, and to require a consumer to use their existing accounts to make their requests.

Status: Chapter 763, Statutes of 2019

[AB-846 \(Burke\) - Customer loyalty programs.](#)

When heard by this Committee, this bill replaced the “financial incentive programs” provisions in the non-discrimination statute of the California Consumer Privacy Act of 2018 (CCPA) with an authorization for offerings that include, among other things, gift cards or certificates, discounts, payments to consumers, or other benefits associated with a loyalty or rewards program, as specified. The bill was subsequently amended out of this Committee’s jurisdiction to instead require, among other things, that evaluations of peace officers include an evaluation of bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation.

Status: Chapter 322, Statutes of 2020

[AB-873 \(Irwin\) - California Consumer Privacy Act of 2018.](#)

Makes a number of changes to the California Consumer Privacy Act (CCPA) including: 1) revising the definition of personal information (PI) to include information that is "reasonably capable of being associated with" a particular consumer or household, as opposed to "capable of being associated with a particular consumer or household"; and 2) replacing the CCPA definition of "deidentified" to, instead, mean information that does not identify, and is not reasonably linkable, directly or indirectly, to a particular consumer, provided that the business makes no attempt to reidentify the information and takes reasonable technical and administrative measures designed to a) ensure that the data is deidentified, b) publicly commit to maintain and use the data in a deidentified form, and c) contractually prohibit recipients of the data from trying to reidentify it. Also revises a provision of the CCPA prohibiting the act from being construed to require a business to reidentify or otherwise link information that is "not maintained in a manner that would be considered PI" to instead refer to information that is "not maintained as PI."

Status: Senate-Died - Judiciary

[AB-874 \(Irwin\) - California Consumer Privacy Act of 2018.](#)

Expands the scope of "publicly available" information that is exempted from the "personal information" (PI) definition in the California Consumer Privacy Act (CCPA) to ensure that "publicly available" information includes any information that is lawfully made available from government records. Amends the PI definition to: 1) correct a drafting error in order to clarify that PI does not include deidentified or aggregate consumer information; and, 2) specify, in relevant part, that PI includes information that is "reasonably capable" of being associated with a particular consumer or household, as opposed to "capable" of being associated.

Status: Chapter 748, Statutes of 2019

[AB-981 \(Daly\) - Insurance Information and Privacy Protection Act.](#)

Places a number of concepts contained within the California Consumer Privacy Act of 2018 (CCPA) into the Insurance Information and Privacy Protection Act (IIPPA). Amends to the CCPA to eliminate the consumer's right to request a business to delete or not sell the consumer's personal information under the CCPA if it is necessary to retain or share the consumer's personal information to complete an insurance transaction requested by the consumer.

Status: Senate-Died – Insurance

[AB-1146 \(Berman\) - California Consumer Privacy Act of 2018: exemptions: vehicle information.](#)

Clarifies that a consumer's right to delete their PI and their right to opt out of the sale of their personal information (PI) under the California Consumer Privacy Act (CCPA) does not apply to specified information necessary for vehicle warranty repairs or recalls pursuant to federal law, as specified. Specifically, this bill creates narrowly tailored exemptions to the consumer's right to delete and to the consumer's right to opt-out of the sale of PI under the CCPA, so that a new motor vehicle dealer may still retain vehicle and ownership information and share it with a vehicle manufacturer for the limited and narrowly tailored purpose of enabling either warranty work or a manufacturer's recall, pursuant to federal law. At the same time, the exemption does not apply to the consumer's other CCPA rights (such as their right to know what PI been collected and shared, right to access their specific PI, as well as maintain consumer remedies), nor does it provide a wholesale exemption from the consumer's right of deletion or their opt-out rights. Any further retention/use or sale of this information for other purposes or to other third party businesses remains precluded.

Status: Chapter 751, Statutes of 2019

AB-1281 (Chau) - Privacy: California Consumer Privacy Act of 2018.

Extends, contingent on the voters not approving a specified ballot proposition at the November 3, 2020, statewide general election, the sunset dates by one year on two exemptions in the California Consumer Privacy Act (CCPA) for certain personal information (PI) collected by employers and collected in connection with business transactions and communications.

Status: Chapter 268, Statutes of 2020

AB-1355 (Chau) - Personal information.

Addresses various drafting errors and makes other clarifying changes in the California Consumer Privacy Act (CCPA). Among other things, this bill includes various provisions to clarify the scope and application of the CCPA's Fair Credit Report Act (FCRA) exemption; clarify obligations of businesses around collecting and retaining PI it would not otherwise collect or retain in the ordinary course of business; and address the application of the CCPA to business-to-business communications and transactions, as specified.

Status: Chapter 757, Statutes of 2019

AB-1416 (Cooley) - Business: collection and disclosures of Consumer personal information.

Adds various exemptions to the California Consumer Privacy Act (CCPA), as specified, subject to a four-year sunset, including: 1) specifying that the obligations imposed on businesses by the CCPA shall not restrict a business's ability to comply with any rules or regulations adopted pursuant to and in furtherance of state or federal laws; 2) providing that the obligations imposed on businesses by the CCPA shall not restrict a business's ability to provide a consumer's personal information (PI) to a government agency solely for the purposes of carrying out a government program, including providing government services in furtherance of a government program, provided that certain requirements are met; and, 3) providing that the obligations imposed on businesses by the CCPA shall not restrict a business's ability to sell the PI of a consumer who has opted-out of the sale of the consumer's PI to another person for the sole purpose of detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity, provided that the business and the person shall not further sell that information for any other purpose.

Status: Senate-Died – Judiciary

AB-1564 (Berman) - Consumer privacy: consumer request for disclosure methods.

Revises an existing provision in the California Consumer Privacy Act (CCPA) governing

the methods that must be made available to consumers for making CCPA-related requests to specify that a business which operates exclusively online and has a direct relationship with a consumer from whom it collects personal information (PI) is only required to provide an email address for purposes of submitting certain consumer requests for information disclosures required under the CCPA. This bill also clarifies that if the business maintains an internet website, the business must make the internet website available to consumers to submit requests for those CCPA information disclosures.

Status: Chapter 759, Statutes of 2019

[AB-1760 \(Wicks\) - California Consumer Privacy Act of 2018.](#)

Re-establishes the consumer rights and business obligations of the California Consumer Privacy Act of 2018 (CCPA) to be based on the “sharing” of a consumer’s personal information (PI) by a business, instead of the “sale” of a consumer’s PI (which includes sharing if for valuable consideration). Generally modifies the rights and obligations of the CCPA to: 1) change the law from an “opt-out” and “opt-in” hybrid dependent on the age of the consumer, to, instead, provide a right for consumers of any age to “opt-in” before a business may share their PI; 2) remove any ability for businesses to provide certain financial incentives that are nondiscriminatory, as specified under the CCPA; 3) limit the use and retention of PI by a business to what is reasonably necessary to provide a service or conduct an activity, as specified, subject to certain exceptions; 4) broaden the duties of businesses in connection with CCPA sections governing the disclosure, access, and deletion of consumer information, while also narrowing certain CCPA exemptions (including exemptions specific to the right of deletion); 5) repeal any right to cure for businesses; 6) repeal the authorization for businesses to seek guidance related to compliance from the Attorney General’s (AG) office; and 7) redefine various terms. Additionally revises the CCPA’s public enforcement provision to authorize a county district attorney, a city attorney, or a county counsel to bring a civil action, in the name of the of the people of the State of California, against any business, service provider, or other person that violates the CCPA, and delays the operative date of the CCPA by an additional year, to January 1, 2021.

Status: Assembly-Died - Privacy and Consumer Protection

Consumer Protection

[AB-161 \(Ting\) - Solid waste: paper waste: electronic proofs of purchase.](#)

Beginning in 2022, requires a business that accepts payment through cash, credit, or debit transactions to only print and provide a paper receipt to a customer upon request unless a

proof of purchase is otherwise required to be given to the customer by state or federal law. Additionally prohibits paper receipts from containing bisphenol A or bisphenol S and from including printouts of items nonessential, as defined, to the transaction if those nonessential items make the paper receipt longer than necessary to provide the consumer with items essential to the transaction. Specifies that the Attorney General, a district attorney, or a city attorney may enforce these provisions and that the first and second violations shall result in a notice of violation, and any subsequent violation shall be punishable by a civil penalty of \$25 per day, not to exceed \$300 annually.

Status: Senate-Died – Appropriations

[AB-325 \(Ramos\) - Self-service storage facilities.](#)

Removes the sunset date authorizing self-storage facility owners to email lien notices and related documents to self-storage unit occupants whose payments are overdue, and instead provides these owners with an additional method of demonstrating actual delivery and receipt of such emails. Specifically, this bill : 1) permits the owner of a self-storage facility to demonstrate actual delivery and receipt of preliminary lien notices, notices of lien sales, and blank declarations in opposition to lien sales sent by electronic mail to the occupant of a self-storage unit if the occupant replies to the email communication, and there is evidence demonstrating the delivery path of the reply email; 2) removes a January 1, 2021 sunset on certain statutory provisions authorizing self-storage facility owners to communicate with occupants via email; and 3) makes various other non-substantive technical changes.

Status: Senate-Died - Judiciary

[AB-596 \(Grayson\) - Motor vehicle defects: service bulletins and consumer electronic authorization.](#)

Authorizes a new motor vehicle dealer to receive electronic authorization from consumers for any repair of a manufacturer recall consistent with regulations adopted by the Bureau of Automotive Repair (BAR) and updates information that is statutorily required to be contained in a notice that new car dealers must provide to consumers by deleting inaccurate information on the notice, clarifying that the technical service bulletins furnished by the National Highway Traffic Safety Administration (NHTSA) are not recalls, and making other nonsubstantive changes to the required notice.

Status: Chapter 490, Statutes of 2019

[AB-642 \(Limón\) - California Financing Law.](#)

Revises the definition of "broker" under the California Financing Law (CFL) to mean any person not otherwise exempt from the CFL, who is engaged in the business of performing specified "lead generation activities" more than five times in a calendar year in connection with loans made by a finance lender. Modifies the rules applicable to finance brokers and finance lenders that use the services of brokers, as specified, and

requires the Department of Business Oversight (DBO) to examine the CFL licensees at least once every 48 months.

Status: Senate-Died - Banking and Financial Institutions

[AB-699 \(Grayson\) - Credit services organizations.](#)

Amends and updates the Credit Services Act of 1984 (Act) by, among other things, requiring credit services organizations (CSOs) to provide consumers with monthly itemized statements showing each service performed prior to charging the consumer any fees, requiring a contract between a CSO and consumer to include specified information, and prohibiting CSOs from engaging in certain activities including counseling a consumer to make an untrue statement to a data furnishers or impersonating a consumer in certain communications. Creates a civil penalty by which a consumer can recover between \$100 and \$1,000 for willful and knowing violations of the Act by a CSO, and requires the Attorney General to maintain a public list of registered CSOs along with any complaints submitted by consumers, among other things.

Status: Senate-Died - Judiciary

[AB-949 \(Medina\) - Unsafe used tires: installation.](#)

Prohibits an automotive repair dealer from installing an unsafe used tire, as defined, on a motor vehicle for use on a highway. Additionally requires an automotive repair dealer to use a visual inspection to determine whether a tire meets the criteria of an unsafe used tire, as specified. Exempts from these provisions tire repairs, tire rotations, tire balancing, or any tire mounted on a wheel or rim that is temporarily removed from a vehicle and reinstalled on the same vehicle.

Status: Chapter 266, Statutes of 2019

[AB-956 \(Diep\) - Telecommunications: automatic dialing-announcing devices: residential subscriber information: emergency alert notifications.](#)

Exempts from the existing prohibition on automatic dialing-announcing devices, law enforcement agencies, fire protection agencies, public health agencies, public environmental health agencies, city or county emergency services planning agencies, or any private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, from placing calls through automatic dialing-announcing devices for testing the all modes of 911 emergency telephone system for data accuracy and emergency alert notification system capabilities. Makes other various technical and non-substantive changes.

Status: Chapter 232, Statutes of 2019

[AB-1032 \(Quirk\) - Ticket sellers: equitable ticket buying process: use or sale of services.](#)

Clarifies that existing prohibitions intended to ensure an equitable ticket buying process under the Ticket Sellers Act are to benefit ticket buyers who are intended event attendees, as defined, and expands prohibited conduct to include the use or sale of services to circumvent security measures, access control systems, or other control or measures, as specified.

Status: Chapter 105, Statutes of 2019

[AB-1138 \(Gallagher\) - Social media: the Parent's Accountability and Child Protection Act.](#)

On and after July 1, 2021, prohibits a person or business that conducts business in California, and that operates a social media website or application from allowing a person the business actually knows is under 13 years of age to create an account unless the website or application obtains the consent of the minor's parent or guardian before creating the account using a method that includes reasonable measures to ensure that the person giving their consent is the parent or legal guardian of the minor. The bill deems a business to have actual knowledge of a consumer's age if it willfully disregards the consumer's age. In his veto message, the Governor noted that "federal law requires operators of internet websites or online services to obtain parental or guardian consent before collecting personal information from a child known to be under 13 years old. States have the ability to enforce this law," and argued that "[g]iven its overlap with federal law, this bill would not meaningfully expand protections for children, and it may result in unnecessary confusion."

Status: Assembly-Vetoed

[AB-1163 \(Eggman\) - Consumer warranty protection: express warranties.](#)

As analyzed by this Committee, this bill required specified electronics and appliance manufacturers to make available sufficient service literature and functional parts to owners of the equipment or products and service dealers to effect the repair of a product, as specified. This bill was not heard at the author's request and was subsequently amended to further provide that the bill shall not be construed to require a manufacturer to divulge a trade secret, as defined.

Status: Assembly-Died - Privacy and Consumer Protection

[AB-1181 \(Limón\) - Charitable organizations.](#)

Beginning January 1, 2021, requires a charitable organization that receives a noncash pharmaceutical drug, nonprescription drug, medication, medical device, or medical supply contribution that is restricted by the donor so it cannot be used in the United

States to value that noncash contribution using the fair value of the end recipient market or a reasonable estimate thereof if the end recipient market value cannot be ascertained following a reasonable inquiry, subject to certain exceptions. This bill also prohibits in the planning, conduct, or execution of any solicitation or charitable sales promotion the reporting of noncash contributions in its audited financial statements, reports filed with the California Attorney General (AG), or solicitation materials, in a way that is misleading or likely to cause confusion. In his veto message, Governor Newsom noted concern "that this bill may pose burdensome implementation challenges for the charities impacted by its provisions."

Status: Assembly-Vetoed

AB-1202 (Chau) - Privacy: data brokers.

Requires data brokers to register with the Attorney General (AG), requires the AG to create a publicly available registry of data brokers on its website, and grants enforcement authority for violations of these requirements to the AG. Defines "data broker" to mean "a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship," but does not include a consumer reporting agency, financial institutions covered by the Gramm-Leach-Bliley Act, or entities covered by the Insurance Information and Privacy Protection Act.

Status: Chapter 753, Statutes of 2019

AB-1203 (O'Donnell) - Rental passenger vehicle transactions.

Updates cross-references made to an obsolete section of the Civil Code within a specified section of the Business & Professions Code governing rental passenger vehicle transactions and the San Diego Unified Port District Act.

Status: Senate-Died - Education

AB-1263 (Low) - Contracts: consumer services: consumer complaints.

Prohibits contracting for, or to proposing to contract for, an agreement to not file a complaint with a licensing board or to participate in a licensing board's investigation into a licensee for a consumer service. The bill additionally: 1) states that any waiver of the provisions of this section is contrary to public policy and is void and unenforceable; 2) provides that violation of this section by a licensee shall constitute unprofessional conduct subject to discipline by the licensee's licensing board; and 3) provides various definitions.

Status: Senate-Died - Business, Professions and Economic Development

AB-1286 (Muratsuchi) - Shared mobility devices: agreements.

Requires a shared mobility service provider, as defined, to enter into an agreement with,

or obtain permit from, the local jurisdiction that, among other things, requires the provider to maintain a specified amount of general liability insurance before distributing a shared mobility device within that jurisdiction. The bill also requires the local jurisdiction to adopt operation, parking, and maintenance rules, as provided, by 2021.

Status: Chapter 91, Statutes of 2020

[AB-1316 \(Gallagher\) - Internet: social media or search engine service: censorship.](#)

Prohibits social media internet website operators located in California, as defined, from removing or manipulating content from that site on the basis of the political affiliation or political viewpoint of that content, except as specified.

Status: Assembly-Died - Rules

[AB-1428 \(Calderon\) - Business practices: prepaid credit cards: refund choices.](#)

Requires a business that offers a refund to a customer via a prepaid debit card for a purchase initiated by the customer in California, to provide the customer with at least one other method of receiving the refund other than a prepaid debit card, and defines various terms for these purposes.

Status: Chapter 130, Statutes of 2019

[AB-1699 \(Levine\) - Telecommunications: mobile internet service providers: public safety customer accounts: states of emergency.](#)

Authorizes a first response agency to submit a request to a mobile internet service provider (ISP) to not impair or degrade the lawful internet traffic of an account used by the agency in response to an emergency, and requires a first response agency that acts pursuant to that authorization to notify the mobile ISP upon the account no longer being used by the agency in response to the emergency. Additionally prohibits the mobile ISP, upon receiving that request, from impairing or degrading the lawful internet traffic of the first response agency's account until the earlier of either the time when the account is no longer being used by the agency in response to the emergency or the end of the emergency, subject to reasonable network management.

Status: Chapter 398, Statutes of 2019

[AB-1790 \(Wicks\) - Online e-commerce marketplaces.](#)

Requires a marketplace, as defined, to ensure that its terms and conditions regarding commercial relationships with marketplace sellers meet specified requirements, including that the terms and conditions are drafted in plain and intelligible language. If a marketplace decides to suspend or terminate a marketplace seller based upon an

alleged violation of law or a term, condition, or policy of the marketplace, the bill requires the marketplace to provide the marketplace seller with a written statement of reasons for that decision, as specified.

Status: Chapter 635, Statutes of 2019

[AB-2149 \(Gonzalez\) - Data sharing: food delivery platforms.](#)

Prohibits a food delivery platform, as defined, from arranging for the delivery of an order from a food facility without first obtaining an agreement with the food facility expressly authorizing the food delivery platform to take orders and deliver meals prepared by the food facility.

Status: Chapter 125, Statutes of 2020

[AB-2443 \(Weber\) - Deceptive practices: debt settlement.](#)

Adds certain debt settlement practices to the Consumer Legal Remedies Act (CLRA), under which consumers may obtain, among other relief, actual damages, injunctive relief, court costs, and attorneys fees including: (1) engaging in the business of receiving or soliciting money or evidences thereof, or processing payment for the purpose of distributing the money or evidences thereof, among creditors in payment or partial payment of the obligations of the debtor in a manner that deceives consumers, including by, among other methods, failing to disclose clearly and conspicuously the terms and risks of the program; (2) engaging in the business of a prorater in a manner that violates the Check Sellers, Bill Payers and Proraters Law; and (3) providing payment processing services, for which a fee is charged to a consumer, to a prorater that is acting in violation of the above provisions.

Status: Senate-Died - Judiciary

[AB-2811 \(Berman\) - Advertising: automatic renewal and continuous service offers: notice and online termination.](#)

Requires a business that makes an automatic renewal or continuous service offer to a consumer to provide the consumer with three to seven days' notice before the expiration of a free trial or temporary price included with the offer, and requires these businesses to streamline the cancellation process.

Status: Senate-Died - Judiciary

[SB-180 \(Chang\) - Gene therapy kits: advisory notice and labels.](#)

Defines “gene therapy kit” to mean a product that is sold as a collection of materials for the purpose of facilitating gene therapy experiments, including, but not limited to, a system for the targeted cutting of DNA molecules, such as type II clustered regularly interspaced short palindromic repeats (CRISPR), associated proteins (CRISPR-Cas) systems, including CRISPR-Cas9, as described in Regents of University of California v.

Broad Institute, Inc. (2018) 903 F.3d 1286, and requires a seller of gene therapy kits to place a notice on their website and on the packaging of the kit stating that the kit is not for self-administration.

Status: Chapter 140, Statutes of 2019

SB-208 (Hueso) - Consumer Call Protection Act of 2019.

Requires telecommunications providers to implement caller identification authentication protections by January 1, 2021, and allows the California Public Utilities Commission (CPUC) to coordinate with the Attorney General to enforce federal prohibitions on illegal robocalls in California.

Status: Chapter 471, Statutes of 2019

SB-342 (Hertzberg) - Misleading advertising: ticket websites.

Makes it unlawful to register, traffic in, or use the name of a professional sports team or the names of professional sports leagues, among others, in a domain or subdomain name of a website to sell tickets in a fraudulent, deceptive, or misleading manner and provides a private right of action to a person who suffers an economic injury as a result of such misconduct. Authorizes any party who suffers injury in fact and has lost money or property as a result of a violation of the above provisions (or the prohibition in existing law regarding the unlawful registration, trafficking in, or use of a personal name) to bring a civil action for recovery of actual, consequential, and punitive damages, and reasonable attorney's fees, as specified.

Status: Chapter 162, Statutes of 2020

Cybersecurity and Data Breach

AB-1035 (Mayes) - Personal information: data breaches.

Provides that any person, business, or agency in California required to provide notice under California's Data Breach Notification Law (DBNL) must do so within 45 days following discovery or notification of the breach, as specified. Further provides, for the purposes of the DBNL and the limited private right of action in the California Consumer Privacy Act (CCPA), that "reasonable security procedures and practices" include, but are not limited to, a cybersecurity program that reasonably conforms to the current version, or a version that has been revised within the one-year period before the date of a security breach, of the "Framework for Improving Critical Infrastructure Cyber Security" developed by the National Institute of Standards and Technology (NIST) or NIST Special Publication 800-171.

Status: Senate-Died - Judiciary

AB-1043 (Irwin) - Political Reform Act of 1974: campaign funds: cybersecurity.

Specifies that, notwithstanding certain prohibitions in the Political Reform Act of 1974 (PRA) against the use of campaign funds for various types of payments, campaign funds may be used to pay for, or reimburse the State for, the costs of installing and monitoring hardware, software, or services related to the cybersecurity of electronic devices of a candidate, elected officer, or campaign worker. Requires candidates or elected officers report any expenditure of campaign funds made pursuant to these provisions in the candidate's or elected officer's campaign statements filed pursuant to the PRA, and sets forth various findings and declarations, including that the integrity of state and local officials' political campaigns is of critical importance to ensuring free and fair elections in the state.

Status: Chapter 46, Statutes of 2019

AB-1130 (Levine) - Personal information: data breaches.

Amends the definition of personal information (PI) in California's Data Breach Notification Law (DBNL) as it applies to both public agencies and businesses to include: 1) tax identification numbers, passport numbers, military identification numbers, ,or any other unique identification number issued on a government document commonly used to verify the identity of a specific individual; and, 2) unique biometric data generated from measurements or technical analysis of human body characteristics, such as a fingerprint, retina, or iris image, used to authenticate a specific individual, not including a physical or digital photograph unless used or stored for facial recognition purposes.

Status: Chapter 750, Statutes of 2019

AB-1242 (Irwin) - Office of Cybersecurity.

As heard by this Committee, this bill established, in the Governor's office, the Office of Cybersecurity under the direction of a new Director. Among other things, the bill would have made the Office of Cybersecurity (Office) responsible for advising the Governor on issues of information security, privacy, and cybersecurity and would transfer the duty of establishing and leading the California Cybersecurity Integration Center (Cal-CSIC) from the California Office of Emergency Services (Cal OES) to the Office. This bill was subsequently amended to instead require: 1) each state agency to submit to the Department of Technology a summary of their actual and projected information technology and telecommunications costs and a summary of their actual and projected information security costs; and, 2) require each state agency to comply with the policies and procedures issued by the Office of Information Security. The bill defines "state agency" for these purposes to mean every state office, officer, department, division, bureau, board, and commission, except for the California State University.

Status: Assembly-Died – Appropriations

AB-1376 (Ramos) - Veterans: security clearances.

States the intent of the Legislature to authorize state departments and agencies that require background checks to recognize the security clearances held by veterans transitioning from the military in order to remove barriers to employment and accelerate transition to civilian employment within cybersecurity. In furtherance of this intent, requires the California Department of Human Resources (CalHR) to collaborate with specified state agencies and departments to create a preferential hiring system for veterans applying for state jobs in cybersecurity that require a background check. Also requires a state agency that hires for a position in cybersecurity that requires a background check to apply the veterans' preference and to establish a uniform hiring policy for veterans who have held a security clearance in the last year and have left the military in good standing or were honorably discharged.

Status: Senate-Died - Appropriations

Department of Technology

AB-754 (Grayson) - Department of Technology: GIS data: regional notification centers.

Authorizes the California Department of Technology (CDT) to provide access to Geographic Information Systems (GIS) data to a regional notification center (RNC), as specified, for purposes of an RNC performing its functions pursuant to California's "Call Before You Dig" law. This bill requires CDT to collect payment to cover its reasonable costs for providing this GIS data and ensures that a state agency will not be liable to an RNC or other third party for providing GIS data pursuant to these provisions.

Separately this bill requires that, no later than January 1, 2021: 1) an application to install a solar energy system include a reference to the requirement to notify the appropriate RNC of the excavators intent to excavate, pursuant to the Call Before You Dig Law, before conducting an excavation, including, but not limited to, installing a grounding rod; and, 2) hat the Governor's Office of Planning and Research include a reference in the California Solar Permitting Guidebook of the requirement to notify the appropriate RNC of the excavator's intent to excavate pursuant to the Call Before You Dig Law. The bill prohibits a city and/or county from being liable for any damages associated with the failure of a person required to obtain a solar energy system permit to notify the appropriate RNC of an intended excavation.

Status: Chapter 494, Statutes of 2019

AB-2320 (Chau) - Personal information: contractors: cyber insurance.

Requires contractors doing business with a state agency to maintain cyber insurance to cover all losses resulting from potential unlawful access to or disclosure of personal

information, as specified.

Status: Assembly-Died - Privacy and Consumer Protection

Drones

SB-648 (Chang) - Unmanned aircraft systems: accident notification.

Requires the operator of an unmanned aircraft system (UAS), used solely for recreational purposes, that is involved in a collision to immediately land the UAS and provide valid identification, and their name, current residence address, phone number, and email address to the injured individual.

Status: Assembly-Died – Transportation

AB-1190 (Irwin) - Unmanned aircraft: state and local regulation: limitations.

Generally provides a framework for local agencies to regulate the use of unmanned aircraft systems, and provides qualified immunity to local agencies operating drone recreation areas. Among other provisions, additionally includes: 1) a prohibition on a state or local agency from adopting any law or regulation that bans the operation of an unmanned aircraft system; 2) that a public entity that owns or operates a small unmanned aircraft system recreational area shall not be held liable for injury or death of any person or property damage resulting solely from the actions of an operator of a small unmanned aircraft system in that recreational area, if the public entity posts signs at each entrance to the recreational area notifying the public that unmanned aircraft may be operating in the area; 3) that a local agency, or its legislative body, may adopt regulations to enforce a requirement that a small unmanned aircraft system be properly registered pursuant to federal law and regulations; 4) that any peace officer authorized to enforce local laws may demand evidence of registration from a person operating an unmanned aircraft system; 5) authorization for a local agency to designate recreational areas for the operation of small unmanned aircraft, provided that appropriate signage is displayed, as specified; and, 6) that if a public entity has designated a recreational area, then the public entity may restrict or prohibit recreational use of small unmanned aircraft system in other recreational areas within its jurisdiction.

Status: Senate-Died - Rules

Information Technology

AB-1566 (Chau) - California Cyber Range Pilot Project.

Establishes the California Cyber Range Pilot Project under the administration of the California Cybersecurity Institute, to test the overall feasibility of the pilot project through a yearlong, multiphased effort. Requires that the hosting CSU or UC campus(es) do all

of the following: 1) establish a cloud-hosted exercise area environment for hands-on cybersecurity labs and exercises for pupils and students, as specified; 2) test and validate the curriculum to ensure it meets the State's computer science strategic implementation plan, developed pursuant to specified existing law, to establish an extensive courseware repository for educators in the cyber range program; and, 3) validate the economic viability of the cyber range program and capture long-term acquisition and administrative expenses associated with operations. Further requires that the pilot project produce a scalable model for a permanent California Cyber Range Program with representative curriculum and analysis for establishing curricular enhancements and required operating expenses necessary for a statewide rollout of the cyber range, and specifies eligible applicants for the pilot project.

Status: Assembly-Died - Higher Education

AB-2004 (Calderon) - Consumer records: blockchain technology.

Requires the Government Operations Agency to appoint a working group to explore methods of using verifiable health credentials (VHCs) for the communication of COVID-19 test results or other medical test results in this state, and tasks the Department of Consumer Affairs with establishing procedures for authorizing health care providers to issue VHCs and with developing and maintaining a verifiable issuer registry. In his veto message, the Governor noted that he recently established the Request for Innovative Ideas (FFI2) process as a competitive procurement approach to incentivize designing leading edge solutions. The Governor expressed concern that "at a time when California is facing fiscal constraints and unprecedented challenges, the millions of dollars this bill would cost would be better spend on timely solution to meet [the State's] most pressing needs."

Status: Assembly-Vetoed

SB-730 (Stern) - Commission on Tech Equity.

Establishes in state government, until January 1, 2025, the advisory Commission on Tech Equity (Commission) to develop recommendations on a policy framework to manage the development, deployment, regulation, taxation, and fair distribution of the benefits of innovation and technology, as specified.

Status: Assembly-Died - Appropriations

Law Enforcement Use of Technology

AB-814 (Chau) - Vehicles: unlawful access to computer systems.

Clarifies that existing law prohibits a person, business, or government agency (including a law enforcement agency) from hacking or otherwise accessing computer data and computer systems in a motor vehicle without authorization.

Status: Chapter 16, Statutes of 2019

AB-904 (Chau) - Search warrants: tracking devices.

Provides that if a law enforcement agency utilizes software to track a person's movements, whether in conjunction with a third party or by interacting directly with a person's electronic device, the provisions for obtaining a tracking device search warrant apply. Further clarifies that nothing in this bill shall be construed to authorize the use of any device or software for the purpose of tracking the movement of a person or object.

Status: Chapter 63, Statutes of 2020

AB-1638 (Oberholte) - Search warrants: vehicle recording devices.

Expands authorization for the issuance of a search warrant to obtain information from a motor vehicle's software that "tends to show the commission of a felony or misdemeanor offense involving a motor vehicle, resulting in death or serious bodily injury."

Status: Chapter 196, Statutes of 2019

Privacy

AB-253 (Mark Stone) - Postsecondary education: social security numbers: task force: reporting.

When heard by this Committee, this bill would have removed an obsolete provision in the Education Code requiring the College and University Social Security Number Task Force within the Office of Privacy Protection to produce a specified report by July 1, 2010. The bill was subsequently amended out of this Committee's jurisdiction to prohibit courts from using remote court reporting, as provided.

Status: Chapter 419, Statutes of 2019

AB-384 (Chau) - Information privacy: digital health feedback systems.

Provides that a business that offers personal health record software or hardware to a consumer, in order to make information available to an individual or provider of health care at the request of the individual or provider of health care, for purposes of allowing the individual to manage their information, or for the diagnosis, treatment, or management of a medical condition of the individual, shall be deemed to be a provider of health care subject to the requirements of the Confidentiality of Medical Information Act (CMIA). Defines "personal health record information" for the purposes of the CMIA to mean individually identifiable information, in electronic or physical form, about an individual's mental or physical condition that is collected by an FDA-approved commercial internet website, online service, or product that is used by an individual at

the direction of a provider of health care with the primary purpose of collecting the individual's individually identifiable personal health record information through a direct measurement of an individual's mental or physical condition or through user input regarding an individual's mental or physical condition.

Status: Senate-Died - Appropriations

AB-499 (Mayes) - Personal information: social security numbers: state agencies.

Prohibits, commencing on or before January 1, 2023, a state agency from sending any outgoing United States mail to an individual that contains the individual's social security number (SSN) unless the number is truncated to its last four digits, unless: 1) federal law requires inclusion of the SSN; 2) the documents are mailed to a current or prospective state employee; 3) an individual erroneously mailed a document containing a SSN to a state agency, and the state agency is returning the original document by certified or registered United States mail; 4) the State Controller is returning documents to an individual previously submitted by the individual; or 5) the document is sent in response to a valid request for access to personal information. Further, until January 1, 2024, the bill requires each state agency that mails an individual's full or truncated part of a SSN to that individual to report to the Legislature regarding when and why it does so, as specified, and provides that any state agency unable to comply with these requirements shall submit an annual corrective action plan to the Legislature until it is in compliance.

Status: Chapter 155, Statutes of 2020

AB-523 (Irwin) - Telecommunications: customer right of privacy.

Prohibits a provider of mobile telephony services from disclosing a subscriber's historical, current, or prospective cell site location without first obtaining the express consent of the subscriber, as specified. Exempts from this prohibition any disclosure pursuant to a court-ordered warrant or to a public agency, as specified, for the sole purpose of responding to a 911 call, communicating an imminent threat to life or property, or testing the systems that respond to 911 calls.

Status: Senate-Died

AB-716 (Chen) - Fictitious business name statements.

Authorizes the use of an electronic acknowledgment verifying the identity of the registrant using a remote identity proofing process to ensure the registrant's identification, as specified, for purposes of filing fictitious business name statements with the county clerk. Specifically, this bill: 1) authorizes a county clerk to accept an electronic acknowledgment verifying the identity of the registrant using a remote identity proofing process ensuring the registrant's identification; 2) requires the identity proofing

process to follow, to the extent reasonable, the federal guidelines for security and privacy and include dynamic knowledge-based authentication, or an identity proofing method consistent with the electronic authentication guidelines of the National Institute of Standards and Technology (NIST); 3) authorizes a county clerk to use a remote identity proofing process for the purposes of presentation for filing of a fictitious business name statements, as specified; and 4) makes other technical and non-substantive changes.

Status: Chapter 15, Statutes of 2019

AB-728 (Santiago) - Homeless multidisciplinary personnel teams.

Establishes, until January 1, 2025, a pilot program in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura that allows homeless adult and family multidisciplinary teams (MDTs) established in these counties to have the goal of facilitating expedited identification, assessment, and linkage of individuals at risk of homelessness to housing and supportive services, and the goal of facilitating the expedited prevention of homelessness for those individuals. Defines “individual at risk of homelessness” for these purposes as an individual who is indigent or receiving or eligible to receive public benefits in the form of cash aid, and who meets certain other conditions related to exiting or having exited certain placements, or presents with or received services related to health, mental health, or substance use issues, as specified. Additionally, expands the scope of an MDT to allow team members to access information for purposes of coordinating housing and supportive services to ensure continuity of care, and includes case managers or case coordinators responsible for referral linkage, or coordination of care and services provided to adults or families among the individuals who may be included on a homeless adult and family MDT.

Status: Chapter 337, Statutes of 2019

AB-1112 (Friedman) - Motorized scooters: local regulation.

When heard by this Committee, this bill would have authorized a local authority to regulate scooter share operators by, among other things, requiring an operator to pay fees that do not exceed the reasonable cost to the local authority of regulating the operator, assessing limited penalties for moving or parking violations involving the use of motorized scooters, and requiring an operator to provide to the local authority trip data for all trips starting or ending within the jurisdiction of the local authority. The bill was subsequently amended a number of times and now prohibits an unauthorized person from removing an unattended micromobility device from a highway to a storage facility, garage, or other place, as specified.

Status: Senate-Died – Transportation

AB-1395 (Cunningham) - Information privacy: smart speaker devices.

Includes smart speaker devices, as defined, in statutes regulating the voice recognition features of connected televisions. The bill also prohibits any recordings from being retained by the manufacturer, as specified, unless the user opts in to having that recording retained by the manufacturer.

Status: Senate-Died – Judiciary

AB-1472 (Mark Stone) - County recorder: social security number truncation program.

When heard by this Committee, this bill repealed a requirement that the County Recorders Association of California annually submit a report on each county's compliance with the existing social security number (SSN) truncation program (Truncation Program) to the chairpersons of the Assembly and Senate Committees on Judiciary and to the Office of Privacy Protection, or any successor agency, as specified. The bill was subsequently amended out of this Committee's jurisdiction to instead create the California Dungeness Crab Commission to promote the marketing and production of the Dungeness crab.

Status: Senate-Died - Judiciary

AB-1665 (Bonta) – Athletic trainers.

When analyzed by this Committee, this bill was authored by the Chair and prohibited a person or business that conducts business in California, that operates an internet website or application that seeks to use a minor's name, picture, or any information about the minor in connection with third party advertising, as specified, from doing so without obtaining prior parental consent. This bill was subsequently amended out of the Committee's jurisdiction to instead enact the Athletic Training Practice Act and establish the California Board of Athletic Training within the Department of Consumer Affairs.

Status: Senate-Died - Business, Professions and Economic Development

AB-1782 (Chau) - Automated license plate recognition information: privacy policy.

When analyzed by this Committee, this bill required automated license plate recognition (ALPR) end-users to amend their privacy policies to require the destruction of ALPR information after 60 days, and to prohibit the sharing of non-anonymized ALPR information, as specified. The bill was subsequently amended in the Senate to instead regulate the provision of technology assisted contact tracing, as defined.

Status: Senate-Died – Appropriations

AB-2261 (Chau) - Facial recognition technology.

Establishes a comprehensive legal framework governing the use of facial recognition technology (FRT) by public and private entities. Specifically this bill: 1) requires opt-in consent for the enrollment or disclosure of facial information; 2) requires probable cause that an individual committed a serious criminal offense to enroll facial information without consent; 3) requires an independent assessment of accuracy and discriminatory performance of FRT; 4) prohibits denial of service on the basis of withholding consent for collection or disclosure of facial information; and 5) requires that decisions informed by FRT are subject to meaningful human review.

Status: Assembly-Died - Appropriations

AB-3116 (Irwin) - Mobility devices: personal information.

Defines "mobility device" to mean any transportation device or vehicle, including, but not limited to, a bicycle, electric bicycle, dockless bicycle, electric scooter, vehicle utilized on the online-enabled application or platform of a transportation network company, autonomous vehicle, and any other device or vehicle by which a person can be propelled, moved, or drawn that is displayed, offered, or placed for rent in any public area or public right-of-way, subject to certain exceptions. Authorizes, among other things, any public agency that issues a permit to an operator for mobility services to require that operator to periodically submit anonymized trip data, and clarifies public agencies shall not obtain trip data except as provided by the Electronic Communications Privacy Act (CalECPA).

Status: Assembly-Died - Appropriations

SB-664 (Allen) - Electronic toll and transit fare collection systems.

As analyzed by this Committee, this bill made various retroactive changes to the laws regulating transportation agencies' use of the personally identifiable information (PII) of subscribers and users of toll facilities, including, among other things: 1) amending the definition of a transportation agency, for the purposes of restricting the use of subscriber or user PII, to include contractors and subcontractors employed for the purposes of billing, account settlement, enforcement, communications, or other activities related to the operation or management of an electronic toll or transit fare collection system; 2) authorizing a transportation agency to use or provide PII for the sole purpose of operating and managing an electronic toll or transit fare collection system including, but not limited to, performing collection, account maintenance, account settlement, and enforcement activities; 3) authorizing a transportation agency to store basic transaction information required to perform functions such as billing, account settlement, or enforcement activities, as specified; 4) authorizing a transportation agency to use PII or make certain communications with affirmative consent, as specified; 5) limiting the penalty for a transportation agency that knowingly sells or otherwise provides PII, as provided; 6) provide that a person shall be deemed to be evading or attempting to evade

the payment of tolls or other charges on any vehicular crossing or toll highway if there is prima facie evidence of the person's failure to pay tolls, including failure to pay the applicable toll rate, or other charges on any vehicular crossing or toll highway, or as may otherwise be set forth in the enforcing agency's toll policies, ordinance, or resolution; and 7) determine that using the address of a vehicle's registered owner as provided by a state department of motor vehicles constitutes prima facie evidence of best efforts for delivery of a toll evasion violation.

Status: Assembly-Died - Privacy and Consumer Protection

[SB-980 \(Umberg\) - Privacy: genetic testing companies: COVID-19 testing.](#)

Establishes the Genetic Information Privacy Act, a comprehensive legal framework to regulate the collection, use, maintenance, and disclosure of genetic data collected or derived from a direct-to-consumer genetic testing product or service, including enhanced notice and opt-in consent requirements. In his veto message, the Governor expressed concern that the "broad language in this bill risks unintended consequences [that] could interfere with laboratories' mandatory requirement to report COVID-19 test outcomes to local public health departments" and directed the California Health and Human Services Agency and the Department of Public Health to work with the Legislature on a "solution that achieves the privacy aims of the bill while preventing inadvertent impacts of COVID-19 testing efforts."

Status: Assembly-Vetoed

[SCR-44 \(Dodd\) - Privacy Awareness Week.](#)

Recognizes the third week of May 2019, and the third week of May every year thereafter, as Privacy Awareness Week.

Status: Chapter 128, Statutes of 2019