

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE

Tasha Boerner, Chair

AB 2905 (Low) – As Amended March 21, 2024

SUBJECT: Telecommunications: automatic dialing-announcing devices: artificial voices

SUMMARY: Expands the definition of an “automatic dialing-announcing device” to include automatic equipment used to make calls using an artificial voice.

Specifically, **this bill:**

- 1) Defines artificial voice to include a voice simulated or generated using artificial intelligence.

EXISTING LAW:

- 1) Defines an “automatic dialing-announcing device” to mean any automatic equipment that incorporates a storage capability of telephone numbers to be called or a random or sequential number generator capable of producing numbers to be called and the capability, working alone or in conjunction with other equipment, to disseminate a prerecorded message to message to the telephone number called. (Public Utilities Code § 2871)
- 2) Establishes that a person shall not operate an automatic dialing-announcing device except in accordance with existing procedures that generally prohibit the use of the devices during the hours between 9 p.m. and 9 a.m. (Public Utilities Code § 2872)
- 3) Automatic dialing-announcing devices may be used to place calls over telephone lines only pursuant to a prior agreement between the persons involved, whereby the person called has agreed that he or she consents to receive such calls from the person calling. (Public Utilities Code § 2873)
- 4) Requires that whenever telephone calls are placed through the use of an automatic dialing-announcing device, the device may be operated only after an unrecorded, natural voice announcement has been made to the person called by the person calling. (Public Utilities Code § 2874)

FISCAL EFFECT: Unknown. This bill has been keyed fiscal by the Legislative Counsel.

COMMENTS:

- 1) *Author’s Statement.* According to the author “In our tech-driven world, protecting our communities from AI scam calls is paramount. These deceptive practices, targeting vulnerable Californians, are unacceptable. That's why I'm introducing legislation to ban AI in scams. This bill underscores our commitment to protecting consumer rights, privacy, and security in the digital age.”
- 2) *The use of automatic dialing-announcing devices.* Existing law governs the use of automatic dialing-announcing devices, including the hours during which the devices may be operated. In California, various organizations use autodialing devices to legally disseminate pre-recorded messages to telephone numbers located within a defined target area in an efficient

manner. Colloquially, these sorts of calls are referred to as robocalls. For example, telemarketers use such devices to make robocalls for the purposes of selling goods and services by phone. Generally, automatic dialing-announcing devices are permitted to be used between the hours of 9p.m. and 9a.m. California time.

Aside from legal use of robocalls, Californians are increasingly being contacted via phone under fraudulent pretenses, sometimes tricking vulnerable communities into handing over personal financial information or money. The FCC estimated that fraudulent phone calls and texts led to more than \$1.13 billion in losses across the country. The number of phone scam victims in the U.S. nearly tripled between 2017 and 2022, according to a Truecaller/Harris poll.

- 3) *Artificial intelligence is making spam calls more risky.* As the rise of artificial intelligence software has proliferated, nefarious actors have also began to utilize the technology for their fraudulent ends. For example, scammers are using artificial intelligence to generate new voices to be used in their spam calls. Also known as voice cloning, these technologies emulate recognizable voices for robocalls to consumers and are often used in imposter scams that spread misinformation, endorse products, or steal money and personal information. Scammers may try to fool an unsuspecting grandparent that a grandchild is in trouble and needs immediate financial assistance or solicit donations to a fake charity endorsed by what sounds like a trusted celebrity.

In February of this year the Federal Communications Commission (FCC) issued a unanimous ruling that declared that calls made with AI-generated voices are “artificial” under the federal Telephone Consumer Protection Act (TCPA). The ruling, which took effect immediately, clarified that voice cloning technology used in common robocalls scams targeting consumers are illegal. The decision empowered State Attorneys General across the country new tools to go after bad actors behind these nefarious robocalls. Consistent with the action at the federal level, this bill attempts to clarify something similar in state law. However, the current drafting of this bill may be too broad of an approach. For example, because the existing statutes are fundamentally about the legal use of robocalling devices, expanding the definition to include artificial voices may unnecessarily implicate legal robocalls that use artificial voices. For example, some business may have a legitimate purpose for using this technology.

- 4) *Committee amendments.* To avoid a potentially broad application of this bill, the committee recommends revising this bill to instead amend Public Utilities Code 2874 to require a disclosure that the robocall is being made using an artificial voice.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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