September 4, 2026
The Honorable Governor Newsom
California Governor's Office
1303 10th St. Suite 1173
Sacramento, CA 95814

RE: SB 1130 - "Wearable Recording Devices" (Request for Veto)

Dear Governor Newsom:

On behalf of the undersigned organizations, we write to respectfully request the veto of SB 1130. While we appreciate the author's intent to protect privacy and prevent non-consensual recording in sensitive environments, we believe SB 1130 has lost its connection to the narrow purpose behind its introduction. SB 1130 contains fundamental flaws regarding overbreadth and unworkable compliance mandates that will confuse consumers and expose businesses to criminal liability. This is despite multiple offers by industry throughout the last month of session of simple amendments that would avoid expansive consequences while still achieving the author's goal of ensuring wearable recording devices are equipped with indicators.

Expanded employer notice mandates establish an untenable compliance trap for off-premises interactions.

While our organizations appreciate the author's efforts to address concerns around devices used in business operations, the definitional exemption crafted by the author is paired with an expansive new obligation on employers and employees that eclipses the reach of the bill's principal focus on consumer obligations. Despite industry-supplied

amendments that would have aligned the employment-based device obligation to the same sensitive environments where consumer obligations arise, or focused notices when employees' had specific intent to record consumers, the author pursued employer notice amendments that made the bill operationally unworkable. As a result, SB 1130 burdens everyday workplace technology with complex recording disclosures without meaningfully enhancing consumer privacy. Crucially, the bill expands employer notice mandates far beyond the bill's original scope to cover off-premises interactions, such as deliveries and curbside pickups, where there has never been an expectation of privacy. Employers cannot realistically provide advance notice during these dynamic off-site encounters, as most recordings of consumers will be unplanned and incidental to providing proof of delivery. Any blanket advanced notice would confuse and unnecessarily alarm consumers who are likely never to be recorded at all. SB 1130 constructs an untenable compliance trap for businesses that risk criminal penalties for simply serving their customers.

Substituting "employer" for "employee" disconnects statutory requirements from operational reality.

By substituting "employer" for "employee," the bill disconnects its statutory language from workplace realities. Because purchasing devices for employees to use inherently establishes employer intent, even brief or incidental recordings trigger broad notification mandates regardless of context. Since mobile and remote staff operate without in-person supervision, employers are forced into an impossible choice: delegate compliance burdens to individual employees or face criminal liability for failing to deliver real-time warnings. Consequently, these sweeping notification requirements create unnecessary operational friction and undermine consumer protection through widespread confusion. Amendments are still needed to avoid inadvertent recordings triggering a notice and tailor them to employee-specific intent – for example, if a delivery driver needed to record a delivery refusal by a recipient, were rejected by the author.

SB 1130 lacks a "knowingly" standard in Sections .86 and .87, creating severe legal exposure for supply chain entities under the Unfair Competition Law.

While we do not object to prohibiting technology specifically designed to disable indicator lights, Section 22949.86 relies on a subjective standard targeting products "designed for the primary purpose of, marketed primarily for, or likely primarily used for" disabling indicators. A manufacturer or retailer has no reliable way to evaluate or control downstream marketing or primary design intent, creating critical ambiguities as to the scope of potential liability companies may face. This subjective framing should be replaced with a clear, knowledge-based requirement where liability attaches only when an entity knowingly manufactures or distributes a product for the specific purpose of disabling a recording indicator.

Without a clear "knowingly" standard in Sections 22949.86 and 22949.87, SB 1130 would subject supply chain businesses to Unfair Competition Law (UCL; Bus. & Prof. Code § 17200 et seq.) claims without any proof of prior knowledge, creating severe legal exposure for unknown violations. The bill's only reference to a "knowingly" standard in Section 22949.88 is excessively narrow, only applying to civil penalties that are exclusive to prosecutors under the UCL. Private litigants will remain free to file cases for restitution and injunctive relief and have no burden to allege a business had any knowledge of the nature of the products it held, delivered, or sold in the state. Without standardizing this knowledge requirement, SB 1130 will fail to encourage consumers to notify businesses of prohibited products but rather incentivize them to file case after case, leaving California businesses tied up in court rather than rectifying the issues as they arise to minimize harm to consumers.

The "reasonable expectation of privacy" framing invites enforcement based on subjective judgments.

SB 1130 prohibits consumers from recording in any broadly defined "place of business" where a person has a "reasonable expectation of privacy". Combining an expansive business definition with an undefined privacy standard creates genuine uncertainty for benign, everyday conduct, such as sending a voice memo from your smart watch.

California law already provides a targeted, workable model in Penal Code Section 647(j)(3), which enumerates specific prohibited circumstances and locations with

precision. Rather than relying on an unworkable, subjective privacy standard, existing law contains an explicit approach to provide fair notice to businesses and individuals while preserving meaningful protections in genuinely sensitive contexts. SB 1130, in contrast, only creates greater uncertainty for consumer use of wearable technologies. The uncertainty created by SB 1130's location standard only further underscores the breadth of the bill's employment-based notice provisions. Unfortunately, the author declined to provide a clear standard for when those notice obligations apply, leaving businesses to determine their obligations against an already uncertain framework for when recording is prohibited. Without clear, objective standards defining when those requirements apply, businesses will be left uncertain about their compliance obligations and exposed to liability for conduct they may not reasonably understand to be covered by the bill.

Definition of "capture"

As passed, SB 1130 applies to a wide range of wearable devices, yet it fails to account for the different technical approaches behind the data processing that makes wearables work. Because SB 1130 defines "capture" to include transmitting audio or video to a server — even momentarily, even when nothing is stored — it sweeps in the routine technical functioning of nearly every useful feature on these devices. The practical effect is that a wearable device could be required to activate an indicator signal whenever a camera or microphone is in use — regardless of whether the user is actually taking photos or videos for personal use, speaking with the AI assistant, or using other audio-based features. And if the indicator is on constantly, bystanders have no way to tell whether the wearer is recording them or merely using an audio- or image-based feature. In this way, the bill works against its own goals of alerting people when wearables are recording and deterring misuse.

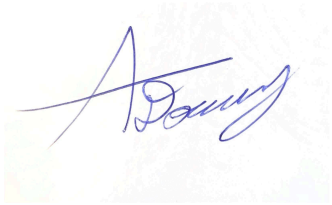
* * * *

SB 1130 contains burdensome employer disclosure mandates, and will unfairly penalize California businesses and citizens. The opposition coalition worked very closely with the author's office because we believe in the bill's concept and intent; however, the end product that has been enrolled maintains a number of critical issues that remain unresolved. Notably, these issues are not insurmountable and we are prepared to work

on a solution for reintroduction next year with your office, the author and sponsor to achieve the desired goals without the numerous problems outlined in this letter. For these reasons, the undersigned organizations respectfully urge the Governor to **Veto** SB 1130.

We appreciate your consideration of these comments and stand ready to provide additional information as the governor's office considers proposals related to technology policy.

Sincerely,



Aodhan Downey
State Policy Manager, West Region
Computer & Communications Industry Association

On Behalf of:

California Chamber of Commerce, Ronak Daylami
California Grocers Association, Rachael O'Brien
California Retailers Association, Ryan Allain
TechNet, Robert Boykin