

119TH CONGRESS
1ST SESSION

S. _____

To prevent manufacturers of covered vehicles from accessing, selling, or otherwise sharing covered data without consent of covered vehicle owners, to require manufacturers of covered vehicles to provide covered vehicle owners with access to, and control of, covered data, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prevent manufacturers of covered vehicles from accessing, selling, or otherwise sharing covered data without consent of covered vehicle owners, to require manufacturers of covered vehicles to provide covered vehicle owners with access to, and control of, covered data, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Auto Data Privacy
5 and Autonomy Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (2) COVERED DATA.—The term “covered data”
6 means user data and vehicle-generated data.

7 (3) COVERED VEHICLE.—The term “covered ve-
8 hicle” means a motor vehicle or a vehicle primarily
9 used for farming or construction.

10 (4) GEOLOCATION DATA.—The term
11 “geolocation data” means information that reveals
12 the past or present physical location of an indi-
13 vidual, a covered vehicle, or device.

14 (5) MOTOR VEHICLE.—The term “motor vehi-
15 cle” has the same meaning given such term in sec-
16 tion 30102(a) of title 49, United States Code, and
17 includes a motor vehicle trailer.

18 (6) PERSONALLY IDENTIFIABLE INFORMA-
19 TION.—The term “personally identifiable informa-
20 tion” means information that—

21 (A) directly identifies an individual such as
22 the name, address, social security number or
23 other identifying number or code, telephone
24 number, or email address of an individual;

1 (B) indirectly identifies an individual such
2 as the gender, race, or date of birth of an indi-
3 vidual; or

4 (C) reveals the geolocation data or internet
5 activity of an individual.

6 (7) USER DATA.—The term “user data” means
7 data transferred to a covered vehicle by the owner
8 or user of such vehicle.

9 (8) USER PREFERENCE.—The term “user pref-
10 erence” means any choice with respect to a
11 configurable setting of a covered vehicle made by or
12 for the benefit of the owner or user of such covered
13 vehicle.

14 (9) VEHICLE-GENERATED DATA.—The term
15 “vehicle-generated data” means all electronic data
16 generated or processed onboard a covered vehicle,
17 such as data generated by sensors, receivers, com-
18 puter processing units, or other vehicle components
19 and includes the geolocation data of such covered ve-
20 hicle.

21 **SEC. 3. USER DATA AND VEHICLE-GENERATED DATA PRI-**
22 **VACY AND SECURITY.**

23 (a) PROHIBITION ON MANUFACTURERS.—With re-
24 spect to a covered vehicle, a manufacturer of such vehicle
25 may not—

1 (1) access covered data, unless—

2 (A) the owner of such covered vehicle or,
3 in the event of the death or incapacity of such
4 owner, the next of kin of such owner affirma-
5 tively consents to such manufacturer accessing
6 such data and such consent—

7 (i) is freely given;

8 (ii) is informed, specific, and unam-
9 biguous;

10 (iii) is in writing; and

11 (iv) may be easily withdrawn; or

12 (B) such data is accessed solely to improve
13 covered vehicle performance or safety;

14 (2) sell, lease, or otherwise share covered data,
15 unless—

16 (A) required to do so—

17 (i) pursuant to a lawfully executed
18 warrant;

19 (ii) pursuant to a court order that
20 provides the covered vehicle owner notice
21 of the order and at least 48 hours to object
22 and request a hearing; or

23 (iii) to facilitate an emergency re-
24 sponse; or

1 (B) the owner of such covered vehicle, or,
2 in the event of the death or incapacity of such
3 owner, the next of kin of such owner, affirma-
4 tively consents to such manufacturer to do so
5 and such consent—

6 (i) is freely given;

7 (ii) is informed, specific, and unam-
8 biguous;

9 (iii) is in writing; and

10 (iv) may be easily withdrawn; or

11 (3) sell, license, rent, trade, transfer, release,
12 disclose, provide access to, or otherwise make avail-
13 able personally identifiable information of a United
14 States citizen or lawful permanent resident to the
15 following:

16 (A) The Democratic People's Republic of
17 Korea.

18 (B) The People's Republic of China.

19 (C) The Russian Federation.

20 (D) The Islamic Republic of Iran.

21 (E) The Bolivarian Republic of Venezuela.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Commission shall, in con-
24 sultation with the Attorney General, the Secretary of
25 Homeland Security, the Secretary of Transportation, and

1 the Federal Communications Commission, submit to Con-
2 gress a report that describes with respect to covered
3 data—

4 (1) the types of such data that a manufacturer
5 of a covered vehicle accesses;

6 (2) the individuals and entities, other than a
7 manufacturer of a covered vehicle, that access such
8 data;

9 (3) the Federal or State Government entities
10 that access such data and how such entities use such
11 data;

12 (4) the individuals and entities to whom such
13 data may be sold or otherwise shared;

14 (5) the foreign governments to whom such data
15 may be sold or otherwise shared and how such data
16 is used by such foreign governments;

17 (6) the cybersecurity capabilities and risks asso-
18 ciated with covered vehicles;

19 (7) occurrences of such data being com-
20 promised, including the prevalence of such occur-
21 rences and any entities with ties to foreign govern-
22 ments associated with such occurrences; and

23 (8) a description of the feasibility of a tech-
24 nology-neutral, standards-based, secure interface to
25 allow an owner of a covered vehicle access to such

1 data designed without preference or prejudice to-
2 wards any technology or service used to access and
3 control such data by such owner, and not contingent
4 on ownership or licensing of proprietary technologies
5 by such owner or a manufacturer of a covered vehi-
6 cle.

7 **SEC. 4. VEHICLE OWNER'S DATA ACCESS AND CONTROL.**

8 (a) IN GENERAL.—The manufacturer of a covered
9 vehicle shall provide to an owner of such vehicle access
10 to, and control of, all covered data generated or processed
11 onboard, or transferred to, such vehicle—

12 (1) at no cost beyond the purchase price of
13 such vehicle;

14 (2) in real time;

15 (3) without any restriction or limitation on use
16 or authorizing access to third parties;

17 (4) without a requirement that the covered ve-
18 hicle owner pay a fee or purchase a license to
19 decrypt such data or use a device provided by such
20 manufacturer to access and use such data;

21 (5) through the vehicle's interface port and
22 through wireless transmission of such data to the ex-
23 tent such vehicle is equipped with technology to
24 wirelessly transmit such data; and

1 (6) in a manner that enables the operation of
2 an open application programming interface that—

3 (A) facilitates deletion of all user data
4 stored in a covered vehicle; and

5 (B) enables the setting of any user pref-
6 erence by the covered vehicle owner or another
7 user of the covered vehicle.

8 (b) RELATION TO OTHER LAWS.—This section su-
9 persedes any statute, rule, requirement or other legal obli-
10 gation of a State of political subdivision thereof that re-
11 lates to the requirements of this section.

12 **SEC. 5. ENFORCEMENT.**

13 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A
14 violation of this Act shall be treated as a violation of a
15 rule defining an unfair or deceptive act or practice under
16 section 18(a)(1)(B) of the Federal Trade Commission Act
17 (15 U.S.C. 57a(a)(1)(B)).

18 (b) POWERS OF THE COMMISSION.—

19 (1) IN GENERAL.—The Commission shall en-
20 force this Act in the same manner, by the same
21 means, and with the same jurisdiction, powers, and
22 duties as though all applicable terms and provisions
23 of the Federal Trade Commission Act (15 U.S.C. 41
24 et seq.) were incorporated into and made a part of
25 this Act.

1 (2) PRIVILEGES AND IMMUNITIES.—Any person
2 who violates this Act shall be subject to the penalties
3 and entitled to the privileges and immunities pro-
4 vided in the Federal Trade Commission Act (15
5 U.S.C. 41 et seq.).

6 (3) AUTHORITY PRESERVED.—Nothing in this
7 Act shall be construed to limit the authority of the
8 Commission under any other provision of law.

9 **SEC. 6. DISCLOSURE OF CONFIDENTIAL BUSINESS INFOR-**
10 **MATION.**

11 Except as provided in section 4, nothing in this Act
12 shall require a manufacturer of a covered vehicle to di-
13 vulge confidential business information (as that term is
14 defined in section 512.3(c) of title 49, Code of Federal
15 Regulations).

16 **SEC. 7. EFFECTIVE DATE.**

17 This Act shall take effect on the date that is 3
18 months after the date of enactment of this Act.

19 **SEC. 8. NO NEW APPROPRIATIONS.**

20 No additional funds are authorized to be appro-
21 priated to carry out this Act. The Commission shall carry
22 out this Act using amounts otherwise appropriated.