S. 1925

To limit the retrieval of data from vehicle event data recorders.

IN THE SENATE OF THE UNITED STATES
JANUARY 14, 2014

Mr. Hoeven (for himself, Ms. Klobuchar, Mr. Blunt, Mr. Manchin, Mr. Kirk, Mr. Isakson, Mr. Johanns, Mr. Chambliss, Mr. Hatch, Mr. King, Mr. Bennet, Ms. Hirono, Mr. Begich, Mr. Wyden, Mr. Coons, Mr. Portman, Mr. Franken, and Mr. Thune) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To limit the retrieval of data from vehicle event data recorders.

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 “Driver Privacy Act”.
5 SEC. 2. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE
6 EVENT DATA RECORDERS.
7 (a) OWNERSHIP OF DATA.—Any data in an event
8 data recorder required under part 563 of title 49, Code
9 of Federal Regulations, regardless of when the passenger
motor vehicle in which it is installed was manufactured,
is the property of the owner, or, in the case of a leased
vehicle, the lessee of the passenger motor vehicle in which
the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an
event data recorder described in subsection (a) may not
be accessed by a person other than the owner or lessee
of the motor vehicle in which the event data recorder is
installed unless—

(1) a court or other judicial or administrative
authority having jurisdiction—

(A) authorizes the retrieval of the data;

and

(B) to the extent that there is retrieved
data, the data is subject to the standards for
admission into evidence required by that court
or other administrative authority;

(2) all of the owners or lessees of the motor ve-

cicle provide informed written consent to the re-

trieval of the data for any purpose, including the
purpose of diagnosing, servicing, or repairing the
motor vehicle;

(3) the data is retrieved pursuant to an inves-
tigation or inspection authorized under section
1131(a) or 30166 of title 49, United States Code,
and the personally identifiable information of the owner or lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data;

(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

(5) the data is retrieved for traffic safety research, and the personally identifiable information of the owner or lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

(e) LIMITATION ON DATA RETRIEVAL.—Data from an event data recorder may only be accessed pursuant to subsection (b) to the extent that such data was recorded in conjunction with an event (as defined in section 563.5 of title 49, Code of Federal Regulations).

SEC. 3. VEHICLE EVENT DATA RECORDER STUDY.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit a report to Congress that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger
motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) RULEMAKING.—Not later than 1 year after submitting the report required under subsection (a), the Administrator shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.