

113TH CONGRESS
2D SESSION

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. JOHANNES, 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

1 motor vehicle in which it is installed was manufactured,
2 is the property of the owner, or, in the case of a leased
3 vehicle, the lessee of the passenger motor vehicle in which
4 the event data recorder is installed.

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

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

12 (A) authorizes the retrieval of the data;

13 and

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

18 (2) all of the owners or lessees of the motor ve-
19 hicle provide informed written consent to the re-
20 trieval of the data for any purpose, including the
21 purpose of diagnosing, servicing, or repairing the
22 motor vehicle;

23 (3) the data is retrieved pursuant to an inves-
24 tigation or inspection authorized under section
25 1131(a) or 30166 of title 49, United States Code,

1 and the personally identifiable information of the
2 owner or lessee of the vehicle and the vehicle identi-
3 fication number is not disclosed in connection with
4 the retrieved data;

5 (4) the data is retrieved for the purpose of de-
6 termining the need for, or facilitating, emergency
7 medical response in response to a motor vehicle
8 crash; or

9 (5) the data is retrieved for traffic safety re-
10 search, and the personally identifiable information of
11 the owner or lessee of the vehicle and the vehicle
12 identification number is not disclosed in connection
13 with the retrieved data.

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

19 **SEC. 3. VEHICLE EVENT DATA RECORDER STUDY.**

20 (a) **IN GENERAL.**—Not later than 1 year after the
21 date of the enactment of this Act, the Administrator of
22 the National Highway Traffic Safety Administration shall
23 submit a report to Congress that contains the results of
24 a study conducted by the Administrator to determine the
25 amount of time event data recorders installed in passenger

1 motor vehicles should capture and record for retrieval ve-
2 hicle-related data in conjunction with an event in order
3 to provide sufficient information to investigate the cause
4 of motor vehicle crashes.

5 (b) RULEMAKING.—Not later than 1 year after sub-
6 mitting the report required under subsection (a), the Ad-
7 ministrator shall promulgate regulations to establish the
8 appropriate period during which event data recorders in-
9 stalled in passenger motor vehicles may capture and
10 record for retrieval vehicle-related data to the time nec-
11 essary to provide accident investigators with vehicle-re-
12 lated information pertinent to crashes involving such
13 motor vehicles.

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