

Calendar No. 563

113TH CONGRESS
2D SESSION**S. 1925****[Report No. 113–255]**

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, Mr. THUNE, Mr. BARRASSO, Mr. ENZI, Mr. TESTER, Mr. BOOZMAN, Mr. HELLER, Mr. MARKEY, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 15, 2014

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

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”.

1 **SEC. 2. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE**
2 **EVENT DATA RECORDERS.**

3 (a) **OWNERSHIP OF DATA.**—Any data in an event
4 data recorder required under part 563 of title 49, Code
5 of Federal Regulations, regardless of when the passenger
6 motor vehicle in which it is installed was manufactured,
7 is the property of the owner, or, in the case of a leased
8 vehicle, the lessee of the passenger motor vehicle in which
9 the event data recorder is installed.

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

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

17 (A) authorizes the retrieval of the data;
18 and

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

23 (2) all of the owners or lessees of the motor ve-
24 hicle provide informed written consent to the re-
25 trieval of the data for any purpose, including the

1 purpose of diagnosing, servicing, or repairing the
2 motor vehicle;

3 ~~(3)~~ the data is retrieved pursuant to an inves-
4 tigation or inspection authorized under section
5 1131(a) or 30166 of title 49, United States Code,
6 and the personally identifiable information of the
7 owner or lessee of the vehicle and the vehicle identi-
8 fication number is not disclosed in connection with
9 the retrieved data;

10 (4) the data is retrieved for the purpose of de-
11 termining the need for, or facilitating, emergency
12 medical response in response to a motor vehicle
13 crash; or

14 (5) the data is retrieved for traffic safety re-
15 search, and the personally identifiable information of
16 the owner or lessee of the vehicle and the vehicle
17 identification number is not disclosed in connection
18 with the retrieved data.

19 (c) ~~LIMITATION ON DATA RETRIEVAL.~~—Data from
20 an event data recorder may only be accessed pursuant to
21 subsection (b) to the extent that such data was recorded
22 in conjunction with an event (as defined in section 562.5
23 of title 49, Code of Federal Regulations).

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

2 (a) ~~IN GENERAL.~~—Not later than 1 year after the
 3 date of the enactment of this Act, the Administrator of
 4 the National Highway Traffic Safety Administration shall
 5 submit a report to Congress that contains the results of
 6 a study conducted by the Administrator to determine the
 7 amount of time event data recorders installed in passenger
 8 motor vehicles should capture and record for retrieval ve-
 9 hicle-related data in conjunction with an event in order
 10 to provide sufficient information to investigate the cause
 11 of motor vehicle crashes.

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

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Driver Privacy Act”.*

23 **SEC. 2. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE**
 24 **EVENT DATA RECORDERS.**

25 (a) *OWNERSHIP OF DATA.*—Any data retained by an
 26 event data recorder (as defined in section 563.5 of title 49,

1 *Code of Federal Regulations*), regardless of when the motor
2 vehicle in which it is installed was manufactured, is the
3 property of the owner, or, in the case of a leased vehicle,
4 the lessee of the motor vehicle in which the event data re-
5 corder is installed.

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

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

13 (A) authorizes the retrieval of the data; and

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

18 (2) an owner or a lessee of the motor vehicle pro-
19 vides written or electronic consent to the retrieval of
20 the data for any purpose, including the purpose of di-
21 agnosing, servicing, or repairing the motor vehicle;

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

1 *a lessee of the vehicle and the vehicle identification*
 2 *number is not disclosed in connection with the re-*
 3 *trieved data, except that the vehicle identification*
 4 *number may be disclosed to the certifying manufac-*
 5 *turer;*

6 *(4) the data is retrieved for the purpose of deter-*
 7 *mining the need for, or facilitating, emergency med-*
 8 *ical response in response to a motor vehicle crash; or*

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

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

15 *(a) IN GENERAL.—Not later than 1 year after the date*
 16 *of the enactment of this Act, the Administrator of the Na-*
 17 *tional Highway Traffic Safety Administration shall submit*
 18 *a report to Congress that contains the results of a study*
 19 *conducted by the Administrator to determine the amount*
 20 *of time event data recorders installed in passenger motor*
 21 *vehicles should capture and record for retrieval vehicle-re-*
 22 *lated data in conjunction with an event in order to provide*
 23 *sufficient information to investigate the cause of motor vehi-*
 24 *cle crashes.*

1 (b) *RULEMAKING.*—Not later than 2 years after sub-
2 mitting the report required under subsection (a), the Ad-
3 ministrators shall promulgate regulations to establish the
4 appropriate period during which event data recorders in-
5 stalled in passenger motor vehicles may capture and record
6 for retrieval vehicle-related data to the time necessary to
7 provide accident investigators with vehicle-related informa-
8 tion pertinent to crashes involving such motor vehicles.

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