

114TH CONGRESS
1ST SESSION

S. 1806

To protect consumers from security and privacy threats to their motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2015

Mr. MARKEY (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect consumers from security and privacy threats to their motor vehicles, 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 “Security and Privacy
5 in Your Car Act of 2015” or the “SPY Car Act of 2015”.

6 **SEC. 2. CYBERSECURITY STANDARDS FOR MOTOR VEHI-**
7 **CLES.**

8 (a) IN GENERAL.—Chapter 301 of title 49, United
9 States Code, is amended—

10 (1) in section 30102(a)—

1 (A) by redesignating paragraphs (4)
2 through (11) as paragraphs (10) through (17),
3 respectively;

4 (B) by redesignating paragraphs (1)
5 through (3) as paragraphs (4) through (6), re-
6 spectively;

7 (C) by inserting before paragraph (3), as
8 redesignated, the following:

9 “(1) ‘Administrator’ means the Administrator
10 of the National Highway Traffic Safety Administra-
11 tion;

12 “(2) ‘Commission’ means the Federal Trade
13 Commission;

14 “(3) ‘critical software systems’ means software
15 systems that can affect the driver’s control of the ve-
16 hicle movement;” and

17 (D) by inserting after paragraph (6), as
18 redesignated, the following:

19 “(7) ‘driving data’ include, but are not limited
20 to, any electronic information collected about—

21 “(A) a vehicle’s status, including, but not
22 limited to, its location or speed; and

23 “(B) any owner, lessee, driver, or pas-
24 senger of a vehicle;

1 “(8) ‘entry points’ include, but are not limited
2 to, means by which—

3 “(A) driving data may be accessed, directly
4 or indirectly; or

5 “(B) control signals may be sent or re-
6 ceived either wirelessly or through wired con-
7 nections;

8 “(9) ‘hacking’ means the unauthorized access to
9 electronic controls or driving data, either wirelessly
10 or through wired connections;” and

11 (2) by adding at the end the following:

12 **“§ 30129. Cybersecurity standards**

13 “(a) CYBERSECURITY STANDARDS.—

14 “(1) REQUIREMENT.—All motor vehicles manu-
15 factured for sale in the United States on or after the
16 date that is 2 years after the date on which final
17 regulations are prescribed pursuant to section
18 2(b)(2) of the SPY Car Act of 2015 shall comply
19 with the cybersecurity standards set forth in para-
20 graphs (2) through (4).

21 “(2) PROTECTION AGAINST HACKING.—

22 “(A) IN GENERAL.—All entry points to the
23 electronic systems of each motor vehicle manu-
24 factured for sale in the United States shall be

1 equipped with reasonable measures to protect
2 against hacking attacks.

3 “(B) ISOLATION MEASURES.—The meas-
4 ures referred to in subparagraph (A) shall in-
5 corporate isolation measures to separate critical
6 software systems from noncritical software sys-
7 tems.

8 “(C) EVALUATION.—The measures re-
9 ferred to in subparagraphs (A) and (B) shall be
10 evaluated for security vulnerabilities following
11 best security practices, including appropriate
12 applications of techniques such as penetration
13 testing.

14 “(D) ADJUSTMENT.—The measures re-
15 ferred to in subparagraphs (A) and (B) shall be
16 adjusted and updated based on the results of
17 the evaluation described in subparagraph (C).

18 “(3) SECURITY OF COLLECTED INFORMA-
19 TION.—All driving data collected by the electronic
20 systems that are built into motor vehicles shall be
21 reasonably secured to prevent unauthorized access—

22 “(A) while such data are stored onboard
23 the vehicle;

24 “(B) while such data are in transit from
25 the vehicle to another location; and

1 “(C) in any subsequent offboard storage or
2 use.

3 “(4) DETECTION, REPORTING, AND RESPOND-
4 ING TO HACKING.—Any motor vehicle that presents
5 an entry point shall be equipped with capabilities to
6 immediately detect, report, and stop attempts to
7 intercept driving data or control the vehicle.

8 “(b) PENALTIES.—A person that violates this section
9 is liable to the United States Government for a civil pen-
10 alty of not more than \$5,000 for each violation in accord-
11 ance with section 30165.”.

12 (b) RULEMAKING.—

13 (1) IN GENERAL.—Not later than 18 months
14 after the date of the enactment of this Act, the Ad-
15 ministrator, after consultation with the Commission,
16 shall issue a Notice of Proposed Rulemaking to
17 carry out section 30129 of title 49, United States
18 Code, as added by subsection (a).

19 (2) FINAL REGULATIONS.—Not later than 3
20 years after the date of the enactment of this Act, the
21 Administrator, after consultation with the Commis-
22 sion, shall issue final regulations to carry out section
23 30129 of title 49, United States Code, as added by
24 subsection (a).

1 (3) UPDATES.—Not later than 3 years after
 2 final regulations are issued pursuant to paragraph
 3 (2) and not less frequently than once every 3 years
 4 thereafter, the Administrator, after consultation with
 5 the Commission, shall—

6 (A) review the regulations issued pursuant
 7 to paragraph (2); and

8 (B) update such regulations, as necessary.

9 (c) CLERICAL AMENDMENT.—The table of sections
 10 for chapter 301 of title 49, United States Code, is amend-
 11 ed by striking the item relating to section 30128 and in-
 12 serting the following:

“30128. Vehicle rollover prevention and crash mitigation.
 “30129. Cybersecurity standards.”.

13 (d) CONFORMING AMENDMENT.—Section
 14 30165(a)(1) of title 49, United States Code, is amended
 15 by inserting “30129,” after “30127,”.

16 **SEC. 3. CYBER DASHBOARD.**

17 (a) IN GENERAL.—Section 32302 of title 49, United
 18 States Code, is amended by inserting after subsection (b)
 19 the following:

20 “(c) CYBER DASHBOARD.—

21 “(1) IN GENERAL.—All motor vehicles manu-
 22 factured for sale in the United States on or after the
 23 date that is 2 years after the date on which final
 24 regulations are prescribed pursuant to section

1 3(b)(2) of the SPY Car Act of 2015 shall display a
 2 ‘cyber dashboard’, as a component of the label re-
 3 quired to be affixed to each motor vehicle under sec-
 4 tion 32908(b).

5 “(2) FEATURES.—The cyber dashboard re-
 6 quired under paragraph (1) shall inform consumers,
 7 through an easy-to-understand, standardized graph-
 8 ic, about the extent to which the motor vehicle pro-
 9 tects the cybersecurity and privacy of motor vehicle
 10 owners, lessees, drivers, and passengers beyond the
 11 minimum requirements set forth in section 30129 of
 12 this title and in section 27 of the Federal Trade
 13 Commission Act.”.

14 (b) RULEMAKING.—

15 (1) IN GENERAL.—Not later than 18 months
 16 after the date of the enactment of this Act, the Ad-
 17 ministrator, after consultation with the Commission,
 18 shall prescribe regulations for the cybersecurity and
 19 privacy information required to be displayed under
 20 section 32302(c) of title 49, United States Code, as
 21 added by subsection (a).

22 (2) FINAL REGULATIONS.—Not later than 3
 23 years after the date of the enactment of this Act, the
 24 Administrator, after consultation with the Commis-
 25 sion, shall issue final regulations to carry out section

1 32302 of title 49, United States Code, as added by
2 subsection (a).

3 (3) UPDATES.—Not less frequently than once
4 every 3 years, the Administrator, after consultation
5 with the Commission, shall—

6 (A) review the regulations issued pursuant
7 to paragraph (2); and

8 (B) update such regulations, as necessary.

9 **SEC. 4. PRIVACY STANDARDS FOR MOTOR VEHICLES.**

10 (a) IN GENERAL.—The Federal Trade Commission
11 Act (15 U.S.C. 41 et seq.) is amended by inserting after
12 section 26 (15 U.S.C. 57c–2) the following:

13 **“SEC. 27. PRIVACY STANDARDS FOR MOTOR VEHICLES.**

14 “(a) IN GENERAL.—All motor vehicles manufactured
15 for sale in the United States on or after the date that
16 is 2 years after the date on which final regulations are
17 prescribed pursuant to subsection (e) shall comply with
18 the features required under subsections (b) through (d).

19 “(b) TRANSPARENCY.—Each motor vehicle shall pro-
20 vide clear and conspicuous notice, in clear and plain lan-
21 guage, to the owners or lessees of such vehicle of the col-
22 lection, transmission, retention, and use of driving data
23 collected from such motor vehicle.

24 “(c) CONSUMER CONTROL.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
 2 and (3), owners or lessees of motor vehicles shall be
 3 given the option of terminating the collection and re-
 4 tention of driving data.

5 “(2) ACCESS TO NAVIGATION TOOLS.—If a
 6 motor vehicle owner or lessee decides to terminate
 7 the collection and retention of driving data under
 8 paragraph (1), the owner or lessee shall not lose ac-
 9 cess to navigation tools or other features or capabili-
 10 ties, to the extent technically possible.

11 “(3) EXCEPTION.—Paragraph (1) shall not
 12 apply to driving data stored as part of the electronic
 13 data recorder system or other safety systems on-
 14 board the motor vehicle that are required for post-
 15 incident investigations, emissions history checks,
 16 crash avoidance or mitigation, or other regulatory
 17 compliance programs.

18 “(d) LIMITATION ON USE OF PERSONAL DRIVING IN-
 19 FORMATION.—

20 “(1) IN GENERAL.—A manufacturer (including
 21 an original equipment manufacturer) may not use
 22 any information collected by a motor vehicle for ad-
 23 vertising or marketing purposes without affirmative
 24 express consent by the owner or lessee.

1 “(2) REQUESTS.—Consent requests under para-
2 graph (1)—

3 “(A) shall be clear and conspicuous;

4 “(B) shall be made in clear and plain lan-
5 guage; and

6 “(C) may not be a condition for the use of
7 any nonmarketing feature, capability, or
8 functionality of the motor vehicle.

9 “(e) ENFORCEMENT.—A violation of this section
10 shall be treated as an unfair and deceptive act or practice
11 in violation of a rule prescribed under section
12 18(a)(1)(B).”.

13 (b) RULEMAKING.—

14 (1) IN GENERAL.—Not later than 18 months
15 after the date of the enactment of this Act, the
16 Commission, after consultation with the Adminis-
17 trator of the National Highway Traffic Safety Ad-
18 ministration (referred to in this subsection as the
19 “Administrator”), shall prescribe regulations, in ac-
20 cordance with section 553 of title 5, United States
21 Code, to carry out section 27 of the Federal Trade
22 Commission Act, as added by subsection (a).

23 (2) FINAL REGULATIONS.—Not later than 3
24 years after the date of the enactment of this Act, the
25 Commission, after consultation with the Adminis-

1 trator, shall issue final regulations, in accordance
2 with section 553 of title 5, United States Code, to
3 carry out section 27 of the Federal Trade Commis-
4 sion Act, as added by subsection (a).

5 (3) UPDATES.—Not less frequently than once
6 every 3 years, the Commission, after consultation
7 with the Administrator, shall—

8 (A) review the regulations prescribed pur-
9 suant to paragraph (2); and

10 (B) update such regulations, as necessary.

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