

115TH CONGRESS
1ST SESSION

H. R. 736

To require automobile manufacturers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2017

Mr. CAPUANO introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require automobile manufacturers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

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 “Black Box Privacy
5 Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Consumers have the right to know that
 2 event data recorders are installed in their vehicles,
 3 that they are capable of collecting data recorded in
 4 automobile accidents, and how such data may be
 5 used.

6 (2) From the standpoint of consumer privacy
 7 rights, most consumers are not aware that their ve-
 8 hicles are recording data that not only may be used
 9 to aid traffic safety analyses, but has the potential
 10 of being used against them in a civil or criminal pro-
 11 ceeding, or by their insurer to increase rates.

12 **SEC. 3. DISCLOSURE OF EVENT DATA RECORDERS ON**
 13 **AUTOMOBILES AND MOTORCYCLES.**

14 (a) LABELING DISCLOSURE FOR AUTOMOBILES.—
 15 Section 3 of the Automobile Information Disclosure Act
 16 (15 U.S.C. 1232) is amended—

17 (1) in subsection (g)(4)(B) by striking “; and”
 18 and inserting a semicolon;

19 (2) in subsection (h), by striking the period at
 20 the end and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(i)(1) the presence and location of an event
 23 data recorder;

24 “(2) the type of information recorded by the event
 25 data recorder and how such information is recorded; and

1 “(3) that the information recorded by the event data
 2 recorder also may be used in a law enforcement pro-
 3 ceeding.”.

4 (b) LABELING DISCLOSURE FOR MOTORCYCLES.—
 5 The Automobile Information Disclosure Act is further
 6 amended by adding after section 3 the following new sec-
 7 tion:

8 **“SEC. 3A. DISCLOSURE OF EVENT DATA RECORDERS ON**
 9 **MOTORCYCLES.**

10 “Every manufacturer of new motorcycles distributed
 11 in commerce shall, prior to the delivery of any new motor-
 12 cycle to any dealer, or at or prior to the introduction date
 13 of new models delivered to a dealer prior to such introduc-
 14 tion date, securely affix to the new motorcycle a label on
 15 which such manufacturer shall disclose—

16 “(1) the presence and location of an event data
 17 recorder;

18 “(2) the type of information recorded by the
 19 event data recorder and how such information is re-
 20 corded; and

21 “(3) that the information recorded by the event
 22 data recorder also may be used in a law enforcement
 23 proceeding.”.

24 (c) DEFINITIONS.—Section 2 of such Act (15 U.S.C.
 25 1231) is amended by adding at the end the following:

1 “(i) The term ‘event data recorder’ means any device
 2 or means of technology installed in an automobile that
 3 records information such as automobile or motorcycle
 4 speed, seatbelt use, application of brakes or other informa-
 5 tion pertinent to the operation of the automobile or motor-
 6 cycle, as applicable.

7 “(j) The term ‘motorcycle’ means a vehicle having a
 8 seat or saddle for the use of the rider, designed to travel
 9 on not more than three wheels in contact with the ground,
 10 and weighing less than 1,500 pounds.

11 “(k) The term ‘new motorcycle’ means a motorcycle
 12 the equitable or legal title to which has never been trans-
 13 ferred by a manufacturer, distributor, or dealer to an ulti-
 14 mate purchaser.”.

15 (d) RULEMAKING.—Within 180 days following the
 16 enactment of this Act, the National Highway Traffic Safe-
 17 ty Administration shall prescribe regulations setting forth
 18 a uniform method by which a manufacturer shall provide
 19 the disclosures required by the amendments made by this
 20 section.

21 **SEC. 4. REQUIREMENT FOR EVENT DATA RECORDERS ON**
 22 **NEW AUTOMOBILES.**

23 (a) IN GENERAL.—Subchapter II of chapter 301 of
 24 title 49, United States Code, is amended by adding at the
 25 end the following new section:

1 **“§ 30129. Event data recorders**

2 “No person may manufacture for sale, sell, offer for
3 sale, introduce or deliver into interstate commerce, or im-
4 port into the United States, an automobile manufactured
5 after 2015 (and bearing a model year of 2016 or later)
6 that is equipped with an event data recorder, unless such
7 event data recorder includes a function whereby the con-
8 sumer can control the recording of information by the
9 event data recorder.”.

10 (b) ENFORCEMENT.—Section 30165(a)(1) of chapter
11 301 of title 49, United States Code, is amended by insert-
12 ing “30129,” after “30127,”.

13 (c) TABLE OF CONTENTS AMENDMENT.—The table
14 of contents for chapter 301 of title 49, United States
15 Code, is amended by adding after the item relating to sec-
16 tion 30128 the following new item:

“30129. Event data recorders.”.

17 **SEC. 5. OWNERSHIP AND UNLAWFUL RETRIEVAL OF EVENT**
18 **DATA RECORDER DATA.**

19 (a) OWNERSHIP RIGHTS; CONDUCT PROHIBITED.—
20 Any event data recorder in an automobile or motorcycle
21 and any data recorded on any event data recorder in an
22 automobile or motorcycle shall be considered the property
23 of the owner of the automobile or motorcycle. It shall be
24 unlawful for any person other than the owner of the auto-
25 mobile or motorcycle to download or otherwise retrieve

1 data that is recorded on any event data recorder except
2 under one of the following circumstances:

3 (1) The owner of the automobile or motorcycle
4 or the owner's agent or legal representative consents
5 to the retrieval of the information.

6 (2) In response to an order of a court having
7 jurisdiction to issue the order.

8 (3) The data is retrieved by a dealer, or by an
9 automotive technician for the purpose of diagnosing,
10 servicing, or repairing the automobile or motorcycle.

11 (b) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-
12 CEPTIVE ACTS OR PRACTICES.—A violation of subsection
13 (a) shall be treated as a violation of a rule defining an
14 unfair or deceptive act or practice prescribed under section
15 18(a)(1)(B) of the Federal Trade Commission Act (15
16 U.S.C. 57a(a)(1)(B)).

17 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-
18 MISSION.—The Federal Trade Commission shall enforce
19 this section in the same manner, by the same means, and
20 with the same jurisdiction, powers, and duties as though
21 all applicable terms and provisions of the Federal Trade
22 Commission Act (15 U.S.C. 41 et seq.) were incorporated
23 into and made a part of this section.

24 **SEC. 6. DEFINITIONS.**

25 As used in this Act:

1 (1) The term “consumer” has the meaning
2 given the term “ultimate purchaser” in section 2 of
3 the Automobile Information Disclosure Act (15
4 U.S.C. 1231).

5 (2) The term “dealer” has the meaning given
6 that term in section 30102(a) of title 49, United
7 States Code.

8 (3) The term “event data recorder” means any
9 device or means of technology installed in an auto-
10 mobile that records information such as vehicle
11 speed, seatbelt use, application of brakes or other in-
12 formation pertinent to the operation of the auto-
13 mobile.

14 (4) The terms “manufacturer”, “new auto-
15 mobile”, and “new motorcycle” have the meanings
16 given those terms in section 2 of the Automobile In-
17 formation Disclosure Act (15 U.S.C. 1231).

18 **SEC. 7. EFFECTIVE DATE.**

19 This Act and the amendments made by this Act shall
20 take effect 180 days after the date of enactment of this
21 Act.

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