

115TH CONGRESS
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To protect consumers from security and privacy threats to their motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

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 2017” or the “SPY Car Act of 2017”.

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 (5)
2 through (13) as paragraphs (11) through (19),
3 respectively;

4 (B) by redesignating paragraphs (2)
5 through (4) as paragraphs (5) through (7), re-
6 spectively;

7 (C) by redesignating paragraph (1) as
8 paragraph (3);

9 (D) by inserting before paragraph (3), as
10 redesignated, the following:

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

14 “(2) ‘Commission’ means the Federal Trade
15 Commission;”;

16 (E) by inserting after paragraph (3), as re-
17 designated, the following:

18 “(4) ‘critical software systems’ means software
19 systems that can affect the driver’s control of the ve-
20 hicle movement;” and

21 (F) by inserting after paragraph (7), as re-
22 designated, the following:

23 “(8) ‘driving data’ includes any electronic infor-
24 mation collected about—

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

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

5 “(9) ‘entry points’ includes means by which—

6 “(A) driving data may be accessed, directly
 7 or indirectly; or

8 “(B) control signals may be sent or re-
 9 ceived either wirelessly or through wired con-
 10 nections;

11 “(10) ‘hacking’ means the unauthorized access
 12 to electronic controls or driving data, either wire-
 13 lessly or through wired connections;” and

14 (2) by inserting after section 30128 the fol-
 15 lowing:

16 **“§ 30129. Cybersecurity standards**

17 “(a) CYBERSECURITY STANDARDS.—

18 “(1) REQUIREMENT.—All motor vehicles manu-
 19 factured for sale in the United States on or after the
 20 date that is two years after the date on which final
 21 regulations are prescribed pursuant to section
 22 2(b)(2) of the SPY Car Act of 2017 shall comply
 23 with the cybersecurity standards set forth in para-
 24 graphs (2) through (4).

25 “(2) PROTECTION AGAINST HACKING.—

1 “(A) IN GENERAL.—All entry points to the
2 electronic systems of each motor vehicle manu-
3 factured for sale in the United States shall be
4 equipped with reasonable measures to protect
5 against hacking attacks.

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

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

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

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

1 “(A) while such data are stored onboard
2 the vehicle;

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

5 “(C) in any subsequent offboard storage or
6 use.

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

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

16 (b) RULEMAKING.—

17 (1) IN GENERAL.—Not later than 18 months
18 after the date of the enactment of this Act, the Ad-
19 ministrator of the National Highway Traffic Safety
20 Administration, after consultation with the Federal
21 Trade Commission, shall issue a Notice of Proposed
22 Rulemaking to carry out section 30129 of title 49,
23 United States Code, as added by subsection (a).

24 (2) FINAL REGULATIONS.—Not later than three
25 years after the date of the enactment of this Act, the

1 Administrator, after consultation with the Commis-
 2 sion, shall issue final regulations to carry out section
 3 30129 of title 49, United States Code, as added by
 4 subsection (a).

5 (3) UPDATES.—Not later than three years after
 6 final regulations are issued pursuant to paragraph
 7 (2) and not less frequently than once every three
 8 years thereafter, the Administrator, after consulta-
 9 tion with the Commission, shall—

10 (A) review the regulations issued pursuant
 11 to paragraph (2); and

12 (B) update such regulations, as necessary.

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

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

17 (d) CONFORMING AMENDMENT.—Section
 18 30165(a)(1) of title 49, United States Code, is amended
 19 by inserting “30129,” after “30127,”.

20 **SEC. 3. CYBER DASHBOARD.**

21 (a) IN GENERAL.—Section 32302 of title 49, United
 22 States Code, is amended by adding at the end the fol-
 23 lowing:

24 “(e) CYBER DASHBOARD.—

1 “(1) IN GENERAL.—All motor vehicles manu-
 2 factured for sale in the United States on or after the
 3 date that is 2 years after the date on which final
 4 regulations are prescribed pursuant to section
 5 3(b)(2) of the SPY Car Act of 2017 shall display a
 6 ‘cyber dashboard’, as a component of the label re-
 7 quired to be affixed to each motor vehicle under sec-
 8 tion 32908(b).

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

18 (b) RULEMAKING.—

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

1 (2) FINAL REGULATIONS.—Not later than 3
 2 years after the date of the enactment of this Act, the
 3 Administrator, after consultation with the Commis-
 4 sion, shall issue final regulations to carry out section
 5 32302 of title 49, United States Code, as added by
 6 subsection (a).

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

10 (A) review the regulations issued pursuant
 11 to paragraph (2); and

12 (B) update such regulations, as necessary.

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

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

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

18 “(a) IN GENERAL.—All motor vehicles manufactured
 19 for sale in the United States on or after the date that
 20 is two years after the date on which final regulations are
 21 prescribed pursuant to subsection (e) shall comply with
 22 the requirements under subsections (b) through (d).

23 “(b) TRANSPARENCY.—Each motor vehicle shall pro-
 24 vide clear and conspicuous notice, in clear and plain lan-
 25 guage, to the owners or lessees of such vehicle of the col-

1 lection, transmission, retention, and use of driving data
 2 collected from such motor vehicle.

3 “(c) CONSUMER CONTROL.—

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

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

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

21 “(d) LIMITATION ON USE OF PERSONAL DRIVING IN-
 22 FORMATION.—

23 “(1) IN GENERAL.—A manufacturer (including
 24 an original equipment manufacturer) may not use
 25 any information collected by a motor vehicle for ad-

1 vertising or marketing purposes without affirmative
2 express consent by the owner or lessee.

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

5 “(A) shall be clear and conspicuous;

6 “(B) shall be made in clear and plain lan-
7 guage; and

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

11 “(e) ENFORCEMENT.—A violation of this section
12 shall be treated as an unfair or deceptive act or practice
13 in violation of a rule prescribed under section
14 18(a)(1)(B).”.

15 (b) RULEMAKING.—

16 (1) IN GENERAL.—Not later than 18 months
17 after the date of the enactment of this Act, the Fed-
18 eral Trade Commission, after consultation with the
19 Administrator of the National Highway Traffic Safe-
20 ty Administration, shall prescribe regulations, in ac-
21 cordance with section 553 of title 5, United States
22 Code, to carry out section 27 of the Federal Trade
23 Commission Act, as added by subsection (a).

24 (2) FINAL REGULATIONS.—Not later than three
25 years after the date of the enactment of this Act, the

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

6 (3) UPDATES.—Not less frequently than once
7 every three years, the Commission, after consulta-
8 tion with the Administrator, shall—

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

11 (B) update such regulations, as necessary.

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