

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To prevent covered vehicle manufacturers from accessing, selling, or otherwise selling certain covered vehicle data, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. LEE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To prevent covered vehicle manufacturers from accessing, selling, or otherwise selling certain covered vehicle data, 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 “Auto Data Privacy  
5 and Autonomy Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSION.—The term “Commission”  
9 means the Federal Trade Commission.

1           (2) COVERED VEHICLE.—The term “covered ve-  
2           hicle” means a motor vehicle or a vehicle primarily  
3           used for farming or construction.

4           (3) DIRECTOR.—The term “Director” means  
5           the Director of the National Institute of Standards  
6           and Technology.

7           (4) MOTOR VEHICLE.—The term “motor vehi-  
8           cle” has the same meaning given such term in sec-  
9           tion 30102(a) of title 49, United States Code, and  
10          includes a motor vehicle trailer.

11          (5) OPERATOR DATA.—The term “operator  
12          data” means—

13                (A) all electronic data generated or proc-  
14                essed onboard a covered vehicle, such as data  
15                generated by sensors, receivers, computer proc-  
16                essing units, or other vehicle components; and

17                (B) data stored in a covered vehicle gen-  
18                erated by the user of such covered vehicle.

19          (6) PERSONALLY IDENTIFIABLE INFORMA-  
20          TION.—The term “personally identifiable informa-  
21          tion” means information that—

22                (A) directly identifies an individual such as  
23                the name, address, social security number or  
24                other identifying number or code, telephone  
25                number, or email address of an individual;

1 (B) indirectly identifies an individual such  
2 as the gender, race, or date of birth of an indi-  
3 vidual; or

4 (C) reveals the physical location or internet  
5 activity of an individual.

6 (7) SECRETARY.—The term “Secretary” means  
7 the Secretary of Transportation.

8 (8) SECURE.—The term “secure” means, with  
9 respect to the interface for access and control of op-  
10 erator data described in section 4(c), designed to  
11 prevent malicious or unauthorized use or access of  
12 such data.

13 (9) TECHNOLOGY-NEUTRAL.—The term “tech-  
14 nology-neutral” means, with respect to the interface  
15 for access and control of operator data described in  
16 section 4(c), designed without preference or preju-  
17 dice towards any technology or service used to access  
18 and control such data by a covered vehicle owner,  
19 and not contingent on ownership or licensing of pro-  
20 prietary technologies by a covered vehicle owner or  
21 manufacturer.

22 (10) USER PREFERENCE.—The term “user  
23 preference” means any choice with respect to a  
24 configurable setting of a covered vehicle made by or

1 for the benefit of the owner or user of such covered  
2 vehicle.

3 **SEC. 3. OPERATOR DATA PRIVACY AND SECURITY.**

4 (a) PROHIBITION ON MANUFACTURERS.—A manu-  
5 facturer of a covered vehicle may not, with respect to the  
6 covered vehicle of a covered vehicle owner that is manufac-  
7 tured by such manufacturer—

8 (1) access operator data, unless—

9 (A) the covered vehicle owner affirmatively  
10 consents to such manufacturer accessing such  
11 data and such consent—

12 (i) is freely given;

13 (ii) is informed, specific, and unam-  
14 biguous;

15 (iii) is in writing; and

16 (iv) may be easily withdrawn; or

17 (B) such data is accessed solely to improve  
18 covered vehicle performance or safety;

19 (2) sell, lease, or otherwise share operator data,  
20 unless—

21 (A) required to do so—

22 (i) pursuant to a lawfully executed  
23 warrant;

24 (ii) pursuant to a court order that  
25 provides the covered vehicle owner notice

1 of the order and at least 48 hours to object  
2 and request a hearing; or

3 (iii) to facilitate an emergency re-  
4 sponse; or

5 (B) expressly permitted to do so by the  
6 covered vehicle owner or, in the event of the  
7 death or incapacity of such person, the next of  
8 kin of such owner; or

9 (3) sell, license, rent, trade, transfer, release,  
10 disclose, provide access to, or otherwise make avail-  
11 able personally identifiable information of a United  
12 States citizen or lawful permanent resident to the  
13 following:

14 (A) The Democratic People's Republic of  
15 Korea.

16 (B) The People's Republic of China.

17 (C) The Russian Federation.

18 (D) The Islamic Republic of Iran.

19 (E) The Bolivarian Republic of Venezuela.

20 (b) REPORT.—

21 (1) IN GENERAL.—Not later than 180 days  
22 after the date of the enactment of this Act, the  
23 Commission shall submit to Congress a report that  
24 describes, with respect to operator data—

1 (A) the types of such data that a manufac-  
2 turer of a covered vehicle accesses;

3 (B) the individuals and entities, other than  
4 a manufacturer of a covered vehicle, that access  
5 such data;

6 (C) the Federal or State government enti-  
7 ties that access such data and how such entities  
8 use such data;

9 (D) the individuals and entities to whom  
10 such data may be sold or otherwise shared;

11 (E) the foreign governments to whom such  
12 data may be sold or otherwise shared and how  
13 such data is used by such foreign governments;

14 (F) the cybersecurity capabilities and risks  
15 associated with covered vehicles; and

16 (G) occurrences of such data being com-  
17 promised, including the prevalence of such oc-  
18 currences and any entities with ties to foreign  
19 governments associated with such occurrences.

20 (2) CONSULTATION.—In completing the report  
21 required under paragraph (1), the Commission shall  
22 consult with—

23 (A) the Attorney General;

24 (B) the Secretary of Homeland Security;

25 (C) the Secretary of Transportation; and

1 (D) the Federal Communications Commis-  
2 sion.

3 **SEC. 4. OPERATOR DATA ACCESS.**

4 (a) IN GENERAL.—A manufacturer of a covered vehi-  
5 cle shall provide to a covered vehicle owner access to, and  
6 control of, operator data—

7 (1) at no cost beyond the purchase price of  
8 such vehicle;

9 (2) without any restriction or limitation, con-  
10 sistent with subsection (c); and

11 (3) without a requirement that the covered ve-  
12 hicle owner—

13 (A) pay a fee or purchase a license to  
14 decrypt operator data; or

15 (B) use a device provided by such manu-  
16 facturer to access and use operator data.

17 (b) DATA DELETION AND USER PREFERENCES.—To  
18 facilitate the access and control of operator data described  
19 in subsection (a), a manufacturer of a covered vehicle shall  
20 enable the operation of open application programming  
21 interfaces that—

22 (1) facilitate deletion of all data stored in a cov-  
23 ered vehicle generated by the user of such covered  
24 vehicle; and

1           (2) enable the setting of any user preference by  
2           the covered vehicle owner or another user of the cov-  
3           ered vehicle.

4           (c) **TECHNOLOGY-NEUTRAL, SECURE, STANDARDS-**  
5 **BASED INTERFACE.**—The manufacturer of a covered vehi-  
6 cle shall provide to a covered vehicle owner the access and  
7 control required by subsection (a) by means of a tech-  
8 nology-neutral and secure interface that meets the stand-  
9 ards set by the Commission pursuant to section 5.

10 **SEC. 5. STANDARDS.**

11           (a) **STANDARDS REPORT.**—Not later than 180 days  
12 after the date of enactment of this Act, the Commission  
13 shall submit to the Committee on Commerce, Science, and  
14 Transportation of the Senate and the Committee on En-  
15 ergy and Commerce of the House of Representatives a re-  
16 port on the current practices employed for operator data  
17 generation, storage, transmission, and cybersecurity.

18           (b) **STANDARDS SETTING.**—Not later than 1 year  
19 after the date on which the Commission submits the report  
20 under subsection (a), the Commission shall, in coordina-  
21 tion with the Director, relevant industry stakeholders, in-  
22 cluding manufacturers of covered vehicles and covered ve-  
23 hicle owners, and with other agencies as necessary, estab-  
24 lish 1 or more standards for the technology-neutral, stand-  
25 ards-based, secure interface required by section 4(c).



1 (c) STANDARDS REVIEW AND REVISION.—Not later  
2 than 5 years after the date on which the Commission, in  
3 coordination with the Director, establishes the standards  
4 required under subsection (b), and not less frequently than  
5 once every 5 years thereafter, the Commission shall review  
6 and revise such standards as appropriate.

7 **SEC. 6. ENFORCEMENT.**

8 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A  
9 violation of this Act shall be treated as a violation of a  
10 rule defining an unfair or deceptive act or practice under  
11 section 18(a)(1)(B) of the Federal Trade Commission Act  
12 (15 U.S.C. 57a(a)(1)(B)).

13 (b) POWERS OF THE COMMISSION.—

14 (1) IN GENERAL.—The Commission shall en-  
15 force this Act in the same manner, by the same  
16 means, and with the same jurisdiction, powers, and  
17 duties as though all applicable terms and provisions  
18 of the Federal Trade Commission Act (15 U.S.C. 41  
19 et seq.) were incorporated into and made a part of  
20 this Act.

21 (2) PRIVILEGES AND IMMUNITIES.—Any person  
22 who violates this Act shall be subject to the penalties  
23 and entitled to the privileges and immunities pro-  
24 vided in the Federal Trade Commission Act (15  
25 U.S.C. 41 et seq.).

