

SENATE BILL 2858

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 47 and Title 65, Chapter 4, relative to the
"Motor Vehicle Consumer Privacy Act of 2024."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 4, is amended by adding the following as a new part:

65-4-601.

(a) This part is known and may be cited as the "Motor Vehicle Consumer Privacy Act of 2024."

(b) As used in this part:

(1) "Commission" means the Tennessee public utility commission; and

(2) "Motor vehicle manufacturer" or "manufacturer" means a person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that is the last person in the production or assembly process of a new motor vehicle.

65-4-602.

The commission shall establish and provide for the operation of a database to compile a list of the names and contact information of purchasers of new motor vehicles in this state who object to the use of their personal data and information by a motor vehicle manufacturer. The commission shall have the database in operation no later than January 1, 2025. The database may be operated by the commission or by another entity under contract with the commission.

65-4-603.

No later than January 1, 2025, the commission shall promulgate rules to:

(1) Require each manufacturer to inform every purchaser of the manufacturer's new vehicles of the opportunity to provide notification to the commission or its contractor that the purchaser objects to the manufacturer having use of the purchaser's personal data and information;

(2) Specify the methods by which each purchaser of a new vehicle may give notice to the commission or its contractor of the purchaser's objection to the sale or release of the purchaser's personal data and information, as well as how a consumer may revoke such notice of objection;

(3) Specify the length of time for which a notice of objection is effective;

(4) Specify the methods by which any person or entity desiring to sell or release a consumer's personal data and information will obtain access to the database as required to avoid sharing or selling the data and information included in the database;

(5) Require each manufacturer to:

(A) Release and comply with a privacy notice to automobile purchasers with full transparency regarding data collection practices, purposes, and the entities to which data is shared;

(B) Obtain clear explicit consent from automobile purchasers for data collection and sharing via opt-in and opt-out choices; and

(C) Limit the collection of data to only the data necessary to operate the systems of the vehicle;

(6) Promulgate rules to establish a fee for paper copies of the Do Not Sell or Release Register; and

(7) Specify such other matters that the commission deems necessary to implement this part.

65-4-604.

(a) If the United States Congress establishes a single national database of new automobile purchasers who object to the sale or release of their personal data or information, then the commission shall include the part of such single national database that relates to this state in the database established under this part.

(b) Information contained in the database established under this part is not subject to public inspection or disclosure under title 10, chapter 7. Such information must be used only for the purpose of compliance with this part or in a proceeding or action under this part.

65-4-605.

(a) An automobile manufacturer desiring to sell or release a purchaser's personal data and information shall pay to the commission by certified check or money order, on or before March 15, 2025, an annual registration fee of five hundred dollars (\$500) to defray regulatory and enforcement expenses. The annual registration fee must allow access to the Do Not Sell or Release Register compiled from the database established under this part. Thereafter, the registration deadline and annual time period must be determined by rule promulgated by the commission.

(b) Unlimited electronic copies of the Do Not Sell Register must be available to persons or entities upon their payment of the annual registration fee.

(c) Fifteen (15) days after the registration deadline, the non-payment of any required fee is a violation of this part. The sale or release of a purchaser's personal data and information listed in the Do Not Sell or Release Register compiled from the

database established under this part, by any person or entity who is not duly registered and who is not otherwise exempted by law, is a violation of this part.

65-4-606.

(a) The commission is authorized to initiate proceedings relative to a violation of this part or any rules promulgated pursuant to this part. Such proceedings include proceedings to issue a cease and desist order, to issue an order imposing a civil penalty up to a maximum of two thousand dollars (\$2,000) for each knowing violation, and to seek additional relief in any court of competent jurisdiction. Each violation must be calculated in a liberal manner to deter violations and to protect consumers. All civil penalties assessed pursuant to this part must be deposited in the public utilities account in the state treasury.

(b) As supplementary to the authority granted in this part, the attorney general and reporter, at the request of the commission, may bring an action in any court of competent jurisdiction in the name of the state against any person or entity relative to a violation of this part or any rules promulgated pursuant to this part. The courts are authorized to issue orders and injunctions to restrain and prevent violations of this part, and such orders and injunctions must be issued without bond. In any action commenced by the state, the courts are authorized to order reasonable attorneys' fees and investigative costs be paid by the violator to the state. An action brought by the attorney general and reporter may also include other causes of action, including a claim under the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

65-4-607.

The remedies, duties, prohibitions, and penalties of this part are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

65-4-608.

Automobile purchasers may enroll on the Tennessee Do Not Sell or Release Register in the manner prescribed by the commission. Enrollment takes effect thirty (30) days following the first day of the succeeding month of enrollment by the automobile purchaser.

65-4-609.

This part applies to the sale of new vehicles on and after January 1, 2025.

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

A violation of the "Motor Vehicle Consumer Privacy Act of 2024," created in title 65, chapter 4, part 6.

SECTION 3. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.