

114TH CONGRESS
1ST SESSION

H. R. 2526

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

MAY 21, 2015

Mr. CAPUANO (for himself, Mr. SENSENBRENNER, Mr. GRIFFITH, Ms. BROWNLEY of California, Mrs. NAPOLITANO, Mr. RODNEY DAVIS of Illinois, Mr. WALBERG, Mr. PETERSON, Ms. LOFGREN, and Mr. JORDAN) 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

14 **SEC. 3. DISCLOSURE OF EVENT DATA RECORDERS ON**
15 **AUTOMOBILES AND MOTORCYCLES.**

16 (a) LABELING DISCLOSURE FOR AUTOMOBILES.—
17 Section 3 of the Automobile Information Disclosure Act
18 (15 U.S.C. 1232) is amended—

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

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

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

24 “(i)(1) the presence and location of an event
25 data recorder;

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

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

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

10 **“SEC. 3A. DISCLOSURE OF EVENT DATA RECORDERS ON**
11 **MOTORCYCLES.**

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

18 “(1) the presence and location of an event data
19 recorder;

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

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

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

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

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

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

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

1 **SEC. 4. REQUIREMENT FOR EVENT DATA RECORDERS ON**
2 **NEW AUTOMOBILES.**

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

6 **“§ 30129. Event data recorders**

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

15 (b) ENFORCEMENT.—Section 30165(a)(1) of chapter
16 301 of title 49, United States Code, is amended by insert-
17 ing “30129,” after “30127,”.

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

“30129. Event data recorders.”.

22 **SEC. 5. OWNERSHIP AND UNLAWFUL RETRIEVAL OF EVENT**
23 **DATA RECORDER DATA.**

24 (a) OWNERSHIP RIGHTS; CONDUCT PROHIBITED.—
25 Any event data recorder in an automobile or motorcycle

1 and any data recorded on any event data recorder in an
2 automobile or motorcycle shall be considered the property
3 of the owner of the automobile or motorcycle. It shall be
4 unlawful for any person other than the owner of the auto-
5 mobile or motorcycle to download or otherwise retrieve
6 data that is recorded on any event data recorder except
7 under one of the following circumstances:

8 (1) The owner of the automobile or motorcycle
9 or the owner's agent or legal representative consents
10 to the retrieval of the information.

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

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

16 (b) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-
17 CEPTIVE ACTS OR PRACTICES.—A violation of subsection
18 (a) shall be treated as a violation of a rule defining an
19 unfair or deceptive act or practice prescribed under section
20 18(a)(1)(B) of the Federal Trade Commission Act (15
21 U.S.C. 57a(a)(1)(B)).

22 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-
23 MISSION.—The Federal Trade Commission shall enforce
24 this section in the same manner, by the same means, and
25 with the same jurisdiction, powers, and duties as though

1 all applicable terms and provisions of the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.) were incorporated
3 into and made a part of this section.

4 **SEC. 6. DEFINITIONS.**

5 As used in this Act:

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

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

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

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

1 **SEC. 7. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect 180 days after the date of enactment of this
4 Act.

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