

Calendar No. 239

114TH CONGRESS
1ST SESSION**S. 766****[Report No. 114-147]**

To limit the retrieval of data from vehicle event data recorders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2015

Mr. HOEVEN (for himself, Ms. KLOBUCHAR, Mr. KING, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 28, 2015

Reported by Mr. THUNE, without amendment

A BILL

To limit the retrieval of data from vehicle event data recorders, 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 “Driver Privacy Act
5 of 2015”.

1 **SEC. 2. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE**
2 **EVENT DATA RECORDERS.**

3 (a) OWNERSHIP OF DATA.—Any data retained by an
4 event data recorder (as defined in section 563.5 of title
5 49, Code of Federal Regulations), regardless of when the
6 motor vehicle in which it is installed was manufactured,
7 is the property of the owner, or, in the case of a leased
8 vehicle, the lessee of the motor vehicle in which the event
9 data recorder is installed.

10 (b) PRIVACY.—Data recorded or transmitted by an
11 event data recorder described in subsection (a) may not
12 be accessed by a person other than an owner or a lessee
13 of the motor vehicle in which the event data recorder is
14 installed unless—

15 (1) a court or other judicial or administrative
16 authority having jurisdiction—

17 (A) authorizes the retrieval of the data;
18 and

19 (B) to the extent that there is retrieved
20 data, the data is subject to the standards for
21 admission into evidence required by that court
22 or other administrative authority;

23 (2) an owner or a lessee of the motor vehicle
24 provides written, electronic, or recorded audio con-
25 sent to the retrieval of the data for any purpose, in-
26 cluding the purpose of diagnosing, servicing, or re-

1 pairing the motor vehicle, or by agreeing to a sub-
2 scription that describes how data will be retrieved
3 and used;

4 (3) the data is retrieved pursuant to an inves-
5 tigation or inspection authorized under section
6 1131(a) or 30166 of title 49, United States Code,
7 and the personally identifiable information of an
8 owner or a lessee of the vehicle and the vehicle iden-
9 tification number is not disclosed in connection with
10 the retrieved data, except that the vehicle identifica-
11 tion number may be disclosed to the certifying man-
12 ufacturer;

13 (4) the data is retrieved for the purpose of de-
14 termining the need for, or facilitating, emergency
15 medical response in response to a motor vehicle
16 crash; or

17 (5) the data is retrieved for traffic safety re-
18 search, and the personally identifiable information of
19 an owner or a lessee of the vehicle and the vehicle
20 identification number is not disclosed in connection
21 with the retrieved data.

22 **SEC. 3. VEHICLE EVENT DATA RECORDER STUDY.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, the Administrator of
25 the National Highway Traffic Safety Administration shall

1 submit to Congress a report that contains the results of
2 a study conducted by the Administrator to determine the
3 amount of time event data recorders installed in passenger
4 motor vehicles should capture and record for retrieval ve-
5 hicle-related data in conjunction with an event in order
6 to provide sufficient information to investigate the cause
7 of motor vehicle crashes.

8 (b) RULEMAKING.—Not later than 2 years after sub-
9 mitting the report required under subsection (a), the Ad-
10 ministrator shall promulgate regulations to establish the
11 appropriate period during which event data recorders in-
12 stalled in passenger motor vehicles may capture and
13 record for retrieval vehicle-related data to the time nec-
14 essary to provide accident investigators with vehicle-re-
15 lated information pertinent to crashes involving such
16 motor vehicles.

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