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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - CONSUMER CAR INFORMATION
AND CHOICE ACT

Introduced By: Senators Ruggerio, Goodwin, McCaffrey, Miller, and Archambault

Date Introduced: March 11, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Purpose. The general assembly hereby finds that:

2 (a) (1) Today's motor vehicles are equipped with sophisticated computers that control
3 everything from comfort and convenience features in motor vehicles, (air temperature, seat
4 positions and infotainment) to critical safety features, (air bags and anti-lock brakes) and complex
5 engine systems (transmission, fuel, emissions and exhaust systems).

6 (2) Vehicle computers analyze and collect information that is important to consumers
7 about the condition and performance of their motor vehicles, including safety, repair, maintenance
8 and diagnostic information.

9 (3) These computers can and do also generate and collect sensitive personal information
10 about consumers and their driving behaviors. For example, motor vehicles have the capability to
11 collect precise location information as well as information about where and when consumers have
12 driven their motor vehicles, and where the driver works, lives and plays. Motor vehicles also are
13 capable of collecting information about how consumers drive, such as braking, acceleration and
14 speed information, and the number of passengers they carry.

15 (4) In 2014, approximately one in five new motor vehicles sold are considered to be
16 connected cars. By 2025, it is expected that all new motor vehicles sold will be connected cars and
17 will have wireless data transmission capabilities along with the capacity to generate vast quantities
18 of information about consumers, their driving habits and the condition and performance of their

1 motor vehicles.

2 (5) It is currently unclear who has the right to control the dissemination of consumer
3 vehicle information, as there are no uniform standards or policies that address this issue with
4 respect to the broad array of consumer vehicle information that may be shared. Today, consumers
5 have limited ability to access their own vehicle information or to transmit their own vehicle
6 information from their motor vehicles to service providers of their choice.

7 (6) Restricting consumers' ability to choose who can access information from their motor
8 vehicles reduces competition and innovation and negatively affects consumers' ability to select the
9 services they prefer and realize the full value of the motor vehicles they own or lease.

10 (7) Proven, low-cost technical options exist that expand consumer access to the data
11 generated by a connected car. Future technical solutions for secure vehicle data storage and
12 transmission will have the potential to further enhance consumer choice and access to vehicle
13 data.

14 (b) It is therefore the intent of the general assembly to create a uniform policy that ensures
15 that consumers are clearly informed of the kinds of information their motor vehicles generate and
16 collect about them, including information about their driving habits and the condition of their
17 motor vehicles. It is also the intent of the general assembly that, as part of this policy, to give
18 consumers more choice over who can access and use this information from their motor vehicles as
19 well as to establish rights for consumers to securely transmit this information from their motor
20 vehicles to service providers they prefer.

21 SECTION 2. Title 31 of the General Laws entitled "MOTOR AND OTHER
22 VEHICLES" is hereby amended by adding thereto the following chapter:

23 CHAPTER 54

24 CONSUMER CAR INFORMATION AND CHOICE ACT

25 **31-54-1. Short title.** -- This chapter shall be known and may be cited as the "Consumer
26 Car Information and Choice Act."

27 **31-54-2. Definitions.** -- As used in this chapter, the following words and terms shall have
28 the following meanings:

29 (1) "Connected car" means a motor vehicle (cars and light trucks less than 10,000 lbs.
30 GVWR) that allows the transmission of data to and from the motor vehicle using one or more
31 embedded or mobile communication devices. These devices connect to telecommunications
32 networks, including, but not limited to, Telematics Service Providers (TSPs), wireless and
33 landline communication networks and global positioning system satellites.

34 (2)(i) "Connected car vehicle data" means information about the vehicle produced by a

- 1 vehicle component, system or systems, including, but not limited to:
- 2 (A) Information accessible, via protocols specified in Society for Automotive Engineers
- 3 SAE J1979;
- 4 (B) The motor vehicle's vehicle identification number (VIN);
- 5 (C) Diagnostic trouble codes and sensor data;
- 6 (D) Speed, distance, braking, acceleration and steering information; or
- 7 (E) Seat-belt use, air bag deployment, collision and accident information, geo-location,
- 8 time-of-day driven, miles driven, trip duration-driven, fuel level, pressure, and octane/alcohol
- 9 content, tire pressure, passenger, battery, door lock status and odometer information.
- 10 (ii) Connected car vehicle data does not include:
- 11 (A) Data generated by an event data recorder as defined in 49 CFR 563.5; or
- 12 (B) Data related to or bi-directional communication enabling:
- 13 (I) The reset or reprogramming of vehicle control modules, including, but not limited to,
- 14 airbags, roll over sensors, anti-lock braking systems, traction control, or any other modules that
- 15 are configured by a supplier or at the vehicle manufacturer's production facility and pair that
- 16 component to a specific nameplate; or
- 17 (II) Actuation of vehicle components while a vehicle is in motion; or
- 18 (III) Direct memory access to vehicle computers; or
- 19 (IV) Erasing information from vehicle systems or components; or
- 20 (V) Access or control of vehicle safety systems in such a way as to disable the vehicle or
- 21 alter operation of vehicle components or systems to endanger a driver, vehicle occupant, or other
- 22 road users.
- 23 (3) "Registered owner" means a person registered by the division of motor vehicles as the
- 24 owner of a vehicle pursuant to chapter 3 of title 31, or such owner's designee, including the lessee
- 25 as shown on the registration card for such leased vehicle.
- 26 (4) "Vehicle manufacturer" means any person, partnership, firm, association, corporation,
- 27 or trust, resident or nonresident, who manufactures or assembles new motor vehicles, or imports
- 28 for distribution through distributors of motor vehicles, or any partnership, firm, association, joint
- 29 venture, corporation, or trust, resident or nonresident, which is controlled by the vehicle
- 30 manufacturer.
- 31 **31-54-3. Vehicle Manufacturer's Duties. --** (a) Any vehicle manufacturer distributing a
- 32 motor vehicle for sale or lease in this state that generates or collects connected car vehicle data
- 33 shall:
- 34 (1) Disclose that fact and describe the types of connected car vehicle data generated or

1 collected by the new motor vehicle in a plainly written statement included in the owner's manual
2 for such motor vehicle; and

3 (2) Provide the statement described in subsection (a)(1) herein in a separate and
4 freestanding document printed in no less than twelve (12) point type to the prospective registered
5 owner of the new motor vehicle prior to the purchase or lease of such vehicle; and

6 (3) Include the following statement printed in no less than fourteen (14) point bold type
7 in the owner's manual for the new motor vehicle and in the statement described in subsection
8 (a)(2) herein: "THIS MOTOR VEHICLE GENERATES AND COLLECTS INFORMATION
9 ABOUT YOU, HOW YOU DRIVE AND THE CONDITION OF YOUR MOTOR VEHICLE.
10 UNDER RHODE ISLAND LAW, YOU HAVE RIGHTS TO CHOOSE WHO CAN ACCESS
11 THIS INFORMATION".

12 (b) Beginning with model year 2017, a vehicle manufacturer distributing a connected car
13 for sale or lease in this state shall:

14 (1) Make the connected car vehicle data generated by the connected car available to a
15 registered owner of the connected car in a non-proprietary, readable format. A vehicle
16 manufacturer of a connected car shall use the same non-proprietary data format in each connected
17 car it distributes in this state.

18 (2) Provide the registered owner of the connected car the ability to securely transmit the
19 connected car vehicle data specified in this section outside of the motor vehicle to any recipient
20 selected by the registered owner.

21 (i) The vehicle manufacturer may not impose any fees or charges on a registered owner to
22 make transmissions of vehicle information required under this section.

23 (ii) The vehicle manufacturer shall provide fair, nondiscriminatory and reasonable means
24 for recipients selected by the registered owner to receive the connected car vehicle data as
25 specified in subsection (b)(1) herein.

26 (iii) The registered owner is responsible for reasonable costs associated with accessing or
27 transmitting information through embedded or mobile communication devices.

28 (c) A vehicle manufacturer may not limit, impair or otherwise restrict by any means the
29 ability of a registered owner to access, use or transmit connected car vehicle data as specified
30 under this section and may not take any adverse action against a registered owner for accessing or
31 using connected car vehicle data, for transmitting connected car vehicle data outside the motor
32 vehicle to recipients other than the vehicle manufacturer or for obtaining services that use
33 connected car vehicle data from such recipients.

34 (d) Connected car vehicle data may not be downloaded or transmitted outside a motor

1 vehicle or otherwise retrieved from a motor vehicle except under the following circumstances:

2 (1) A registered owner of the motor vehicle consents to the download, transmission or
3 retrieval; or

4 (2) The connected car vehicle data is downloaded, transmitted or retrieved by the vehicle
5 manufacturer of the motor vehicle, provided that the vehicle manufacturer may not release or
6 otherwise disclose the vehicle information to any person other than a registered owner of the
7 motor vehicle, unless such connected car vehicle data is in a form that cannot identify any
8 registered owner or driver of the motor vehicle; or

9 (3) The connected car vehicle data is downloaded, transmitted or retrieved for the
10 purpose of diagnosing, servicing or repairing a motor vehicle at the request of a registered owner
11 or driver of such motor vehicle; or

12 (4) For the purpose of improving motor vehicle safety, including for medical research of
13 the reaction of the human body to motor vehicle accidents, provided that the identity of no
14 registered owner or driver is disclosed in connection with that retrieved information. The
15 disclosure of the vehicle identification number (VIN) for the purpose of improving vehicle safety,
16 including for medical research of the reaction of the human body to motor vehicle accidents, does
17 not constitute the disclosure of the identity of a registered owner or driver for purposes of this
18 subsection. A recipient authorized to download or otherwise retrieve connected car vehicle data
19 pursuant to this subsection may not release that connected car vehicle data, except to share that
20 information among the motor vehicle safety and medical research communities to advance motor
21 vehicle safety, and only if the identity of no registered owner or driver is disclosed; or

22 (5) In response to an order of a court having jurisdiction to issue the order.

23 (e) A registered owner of a motor vehicle may not be compelled to access, download or
24 retrieve connected car vehicle data from the motor vehicle or transmit connected car vehicle data
25 outside the motor vehicle except pursuant to an order of a court having jurisdiction to issue the
26 order or as otherwise required by law.

27 (f) Nothing required herein shall relieve vehicle manufacturers from the duty to create
28 secure telematics, computer and other electronic systems in the motor vehicles they manufacture,
29 including the duty to prevent unauthorized access into such systems.

30 (g) Nothing required herein shall require a vehicle manufacturer of a motor vehicle to
31 disclose trade secrets, as defined in § 6-41-1(4).

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - CONSUMER CAR INFORMATION
AND CHOICE ACT

1 This act would regulate the generation, collection, analysis, dissemination and sharing of
2 connected car vehicle data and would provide the consumer with notice and protect consumer
3 rights relating to access to and sharing of said connected car vehicle data.

4 This act would take effect upon passage.

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