

113TH CONGRESS
2D SESSION

H. R. 5884

To prohibit the replacement of the gasoline excise tax with a GPS, location or distance-based tax and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2014

Mr. STOCKMAN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the replacement of the gasoline excise tax with a GPS, location or distance-based tax 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 “Don’t Track Me Act”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 (a) FINDINGS.—Congress finds as follows:

7 (1) Tracking the location of vehicles and the
8 identities of owners for the purpose of taxation, fines

1 or fees has the potential to be misused, and such
2 collected data could be hacked or used for privacy-
3 invading purposes.

4 (2) Government and corporate websites are fre-
5 quently hacked, and driver-tracking databases may
6 be no more invulnerable to hacking; to the advan-
7 tage of criminals, stalkers, and identity thieves.

8 (3) GPS tracking enables the technology for
9 automatic speeding, parking and other traffic tick-
10 ets, charging variable tax rates due to the time of
11 day or other factors, including characterizing driving
12 behavior from acceleration and braking speed, eva-
13 sive maneuvers such as swerving to avoid a child or
14 deer in the road, or driving in what the Government
15 may believe is a “fuel-wasting” manner.

16 (4) GPS tracking schemes may require vehicle
17 owners to maintain bank accounts for the debiting
18 of resultant fees. This may be a hardship for many
19 low-income vehicle owners, as well as opening new
20 hacking vulnerabilities for bank accounts of vehicle
21 owners.

22 (5) The existing gas tax is a rare example of a
23 user fee, whereby vehicle owners pay for the roads
24 they use when purchasing fuel. The tax has success-
25 fully provided necessary funding for many decades.

1 (6) There are far less intrusive ways than loca-
2 tion-based tracking to get electric vehicle and hybrid
3 owners to pay for their road usage.

4 (7) Vehicle owners must not be required to sur-
5 render their Fourth Amendment rights and be
6 tracked everywhere as a condition of driving on pub-
7 lic roads.

8 (8) Amendment IV of the United States Con-
9 stitution states “The right of the people to be secure
10 in their persons, houses, papers, and effects, against
11 unreasonable searches and seizures, shall not be vio-
12 lated, and no warrants shall issue, but upon prob-
13 able cause, supported by oath or affirmation, and
14 particularly describing the place to be searched, and
15 the persons or things to be seized.”.

16 (b) PURPOSE.—It is the purpose of this Act to pro-
17 hibit the replacement or supplementation of the Federal
18 gasoline excise tax with any tax or fee based upon vehicle
19 location or distance traveled, whether determined by global
20 positioning satellite (GPS), license plate reading cameras
21 or any other method of determining owner registration or
22 identity information, and vehicle location or distance trav-
23 eled.

1 **SEC. 3. PROHIBITION OF A GPS, LOCATION OR MILEAGE**
2 **BASED TAX.**

3 (a) IN GENERAL.—It is contrary to the public policy
4 of the United States to require the placement or use of
5 any GPS, location, distance tracking system, or any other
6 system to collect identities of vehicle owners by any remote
7 means such as license plate reading cameras, radio fre-
8 quency identification (RFID) devices or by any other
9 means.

10 (b) The Federal gasoline excise tax may not be re-
11 placed or supplemented with any tax, fee or fine based
12 upon vehicle location or distance traveled, whether deter-
13 mined by global positioning satellite (GPS), cameras that
14 read license plates or any other method of determining ve-
15 hicle location, distance traveled or registration and iden-
16 tity data.

17 (c) No motor vehicle may be required to have any
18 device on board the vehicle or to transmit data to any off
19 board device which tracks or records, collects, stores,
20 transmits and location, distance, or registration or driver
21 identity information.

22 **SEC. 4. LIMITATIONS ON VEHICLE-TO-VEHICLE AND VEHI-**
23 **CLE-TO-INFRASTRUCTURE COMMUNICA-**
24 **TIONS.**

25 (a) No public funds may be used to study or imple-
26 ment or require the use of any method of tracking or re-

1 porting vehicle movement or location for the purpose of
2 taxes, user fees, traffic fines, accident investigation, or to
3 communicate with other vehicles or infrastructure.

4 (b) Vehicle-to-vehicle or vehicle-to-infrastructure
5 communication systems for the purposes of recording or
6 transmitting or storing for later retrieval location, reg-
7 istration, identity, or speed data are prohibited, except for
8 those vehicles owned or leased by Federal Government
9 agencies in question.

10 (c) Any such transmissions may only be used for mo-
11 mentary accident avoidance or completely anonymized
12 traffic reporting.

13 **SEC. 5. “BLACK BOX” DATA RECORDERS.**

14 No motor vehicle shall be required by any Federal
15 agency to have installed and operational any “black box”
16 accident data recorder that records any vehicle data for
17 a period longer than the last five minutes of vehicle oper-
18 ation, and such devices may never be capable of recording
19 audio, images, or video from inside the vehicle. Any such
20 device may not broadcast or transmit any data in any way,
21 except by a direct cable connection to a computer.

22 **SEC. 6. VEHICLE OWNERS EXEMPTED.**

23 No provisions of this Act shall prohibit the use by
24 vehicle owners of GPS or other technologies for tracking
25 the location of their own vehicle.

1 **SEC. 7. REPORTING REQUIREMENT.**

2 The Secretary of the Department of Transportation
3 shall submit to Congress, not later than 90 days after the
4 date of the enactment of this Act, a report describing the
5 actions taken to ensure permanent compliance with this
6 Act.

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