

114TH CONGRESS  
1ST SESSION

# S. 766

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

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IN THE SENATE OF THE UNITED STATES

MARCH 17, 2015

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

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## 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”.

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

8 (a) OWNERSHIP OF DATA.—Any data retained by an  
9 event data recorder (as defined in section 563.5 of title  
10 49, Code of Federal Regulations), regardless of when the

1 motor vehicle in which it is installed was manufactured,  
2 is the property of the owner, or, in the case of a leased  
3 vehicle, the lessee of the motor vehicle in which the event  
4 data recorder is installed.

5 (b) PRIVACY.—Data recorded or transmitted by an  
6 event data recorder described in subsection (a) may not  
7 be accessed by a person other than an owner or a lessee  
8 of the motor vehicle in which the event data recorder is  
9 installed unless—

10 (1) a court or other judicial or administrative  
11 authority having jurisdiction—

12 (A) authorizes the retrieval of the data;

13 and

14 (B) to the extent that there is retrieved  
15 data, the data is subject to the standards for  
16 admission into evidence required by that court  
17 or other administrative authority;

18 (2) an owner or a lessee of the motor vehicle  
19 provides written, electronic, or recorded audio con-  
20 sent to the retrieval of the data for any purpose, in-  
21 cluding the purpose of diagnosing, servicing, or re-  
22 pairing the motor vehicle, or by agreeing to a sub-  
23 scription that describes how data will be retrieved  
24 and used;

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

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

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

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

20           (a) IN GENERAL.—Not later than 1 year after the  
21           date of the enactment of this Act, the Administrator of  
22           the National Highway Traffic Safety Administration shall  
23           submit to Congress a report that contains the results of  
24           a study conducted by the Administrator to determine the  
25           amount of time event data recorders installed in passenger

1 motor vehicles should capture and record for retrieval ve-  
2 hicle-related data in conjunction with an event in order  
3 to provide sufficient information to investigate the cause  
4 of motor vehicle crashes.

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

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