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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

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

Introduced By: Senators Ruggiero, Goodwin, McCaffrey, Lynch Prata, and Jabour

Date Introduced: January 13, 2016

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) Findings. (1) Today's motor vehicles are equipped with sophisticated computers that
3 control 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 (5) 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) Today, consumers lack complete access to their own vehicle information and have
3 limited ability to transmit their vehicle information from their motor vehicles to service providers
4 of their choice. While some in the industry have made commitments to transparency, consumers
5 still are not provided with information on their right to choose a service provider to access and
6 analyze such data.

7 (6) Consumers would benefit from broad choices of service providers who can access
8 information from their motor vehicles since this competition among service providers would
9 promote innovation and consumer welfare.

10 (7) Proven, low-cost technical options exist that enable consumer access to the data
11 generated by their vehicle. 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) Declaration of intent. It is therefore the intent of the general assembly to give
15 consumers more choice and control over who can access and use information generated by their
16 motor vehicles as well as to establish rights for consumers to securely transmit this information
17 from their motor vehicles to the service providers of their choosing.

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

20 CHAPTER 54

21 CONSUMER CAR INFORMATION AND CHOICE ACT

22 **31-54-1. Short title.** -- This chapter shall be known and may be cited as the "Consumer
23 Car Information and Choice Act."

24 **31-54-2. Definitions.** -- As used in this chapter, the following words and terms shall have
25 the following meanings:

26 (1) "Connected car" means a motor vehicle (cars and light trucks less than ten thousand
27 pounds (10,000 lbs.) gross vehicle weight rating (GVWR)) that allows the transmission of data to
28 and from the motor vehicle using one or more embedded or mobile communication devices.
29 These devices connect to telecommunications networks, including, but not limited to, telematics
30 service providers (TSPs), wireless and landline communication networks and global positioning
31 system satellites.

32 (2)(i) "Connected car vehicle data" means digital information about the vehicle produced
33 by an embedded vehicle component, system, or systems that the vehicle is designed to transmit
34 using one or more embedded or mobile communication devices. Such data may include, but not

1 be limited to:

2 (A) Information accessible, via protocols specified in Society for Automotive Engineers
3 SAEJ1979;

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 miles driven, fuel level and pressure, tire pressure, battery condition, and odometer information.

9 (ii) Connected car vehicle data does not include:

10 (A) Data generated by an event data recorder as defined in 49 CFR 563.5; or

11 (B) Data related to or bi-directional communication enabling:

12 (I) The reset or reprogramming of vehicle control modules, including, but not limited to,
13 airbags, roll over sensors, anti-lock braking systems, traction control, or any other modules that
14 are configured by a supplier of a module or at the vehicle manufacturer's production facility and
15 pair that module to a specific nameplate, unless such information is available as part of a
16 manufacturer-approved diagnostic or repair procedure; or

17 (II) Actuation of vehicle components while a vehicle is in motion;

18 (III) Direct memory access to vehicle computers;

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 (D) Data pertaining to the establishment of a connection to a wireless or landline
24 communication network or global positioning system satellite, or to any contents of any such
25 connections.

26 (3) "Registered owner" means a person registered by the division of motor vehicles as the
27 owner of a vehicle pursuant to chapter 3 of title 31, or such owner's designee, including the lessee
28 as shown on the registration card for such leased vehicle.

29 (4) "Vehicle manufacturer" means any person, partnership, firm, association, corporation,
30 or trust, resident or nonresident, who manufactures or assembles new motor vehicles, or imports
31 for distribution through distributors of motor vehicles, or any partnership, firm, association, joint
32 venture, corporation, or trust, resident or nonresident, which is controlled by the vehicle
33 manufacturer.

34 **31-54-3. Vehicle manufacturer's duties. -- (a) Beginning with model year 2019, a**

1 vehicle manufacturer distributing a connected car for sale or lease in this state shall:

2 (1) Make the connected car vehicle data generated by the connected car available to a
3 registered owner of the connected car or its designee in a non-proprietary, readable format. A
4 vehicle manufacturer of a connected car shall use the same non-proprietary data format in each
5 connected car it distributes in this state.

6 (2) Provide the registered owner of the connected car the ability to securely transmit the
7 connected car vehicle data specified in this section outside of the motor vehicle to any recipient
8 selected by the registered owner. In connection with this ability, the vehicle manufacturer:

9 (i) May not impose any fees or charges on a registered owner to make transmissions of
10 vehicle information required under this section other than standard data transmission charges;

11 (ii) Shall provide fair, reasonable and nondiscriminatory means for recipients selected by
12 the registered owner to receive securely the connected car vehicle data as specified in subsection
13 (a)(1) of this section; and

14 (iii) May hold the registered owner or its designee responsible for reasonable costs
15 associated with accessing or transmitting information through embedded or mobile
16 communication devices.

17 (b) A vehicle manufacturer may not limit, impair or otherwise restrict by any means the
18 ability of a registered owner to access, use, transmit connected car vehicle data as specified under
19 this section and may not take any adverse action against a registered owner for accessing or using
20 connected car vehicle data, for transmitting connected car vehicle data outside the motor vehicle
21 to recipients other than the vehicle manufacturer or for obtaining services that use connected car
22 vehicle data from such recipients.

23 (c) Connected car vehicle data may not be downloaded or transmitted outside a motor
24 vehicle or otherwise retrieved from a motor vehicle except under the following circumstances:

25 (1) A registered owner of the motor vehicle provides consent to the download,
26 transmission or retrieval by way of affirmation or the acceptance and use of connected car
27 services, notwithstanding a vehicle manufacturer's duties as provided in subsections (a) and (b) of
28 this section;

29 (2) The connected car vehicle data is downloaded, transmitted or retrieved by the vehicle
30 manufacturer of the motor vehicle without consent, as provided in subsection (c)(1) of this
31 section, provided that the vehicle manufacturer may not release or otherwise disclose the vehicle
32 information to any person other than a registered owner of the motor vehicle, unless such
33 connected car vehicle data has been anonymized and is in a form that cannot identify any
34 registered owner or driver of the motor vehicle;

1 (3) The connected car vehicle data is downloaded, transmitted or retrieved for the
2 purpose of providing data to or contacting an emergency service provider;

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

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

16 (6) In response to an order of a court having jurisdiction to issue the order.

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

21 (e) Nothing required herein shall relieve vehicle manufacturers and third-party recipients
22 of connected car data from the duty to create secure telematics, computer, and other electronic
23 systems in the motor vehicles they manufacture or the databases they maintain, including the duty
24 to prevent unauthorized access into such systems.

25 (f) Nothing required herein shall require a vehicle manufacturer of a motor vehicle to
26 disclose trade secrets, as defined in §6-41-1(4), or to disclose the intellectual property involved in
27 the generation of connected car vehicle data required to be made available by this chapter.

28 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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