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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) 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) herein; 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  
27 in 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

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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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