

AMENDED IN SENATE MARCH 17, 2014

SENATE BILL

No. 994

Introduced by Senator Monning

February 12, 2014

An act to ~~amend Section 31 of~~ *add Section 9957 to* the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 994, as amended, Monning. ~~Vehicles.—~~*Vehicles: vehicle information: privacy.*

Existing law imposes various requirements upon manufacturers of motor vehicles sold or leased in this state with regard to disclosing information and providing equipment. A violation of these provisions is a crime.

This bill would enact the Consumer Vehicle Information Choice and Control Act. The bill would require a manufacturer of any new motor vehicle sold or leased in this state on or after January 1, 2016, that generates or collects vehicle information, as defined, to make certain disclosures to the registered owner regarding the generation and collection of that information. The bill would require the manufacturer to provide the registered owner of the vehicle with access to the vehicle information and the ability to securely transmit that information to a 3rd party selected by the registered owner, as specified. The bill would prohibit a manufacturer from limiting, impairing, or otherwise restricting, by any means, the ability of the registered owner to access, use, or transmit his or her vehicle information, and would further prohibit the manufacturer from taking any adverse action against the registered owner for accessing or using or transmitting his or her vehicle information, as specified. The bill would prohibit vehicle

information from being downloaded, transmitted, or received by a person other than the registered owner, except as specified.

Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Existing law prohibits a person from giving, either orally or in writing, information to a peace officer while in the performance of the officer's duties under the provisions of the Vehicle Code when that person knows that the information is false.

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. *This act shall be known, and may be cited, as the*
2 *Consumer Vehicle Information Choice and Control Act.*

3 SEC. 2. (a) *The Legislature finds and declares all of the*
4 *following:*

5 (1) *Today's motor vehicles are equipped with sophisticated*
6 *computers that control everything from comfort and convenience*
7 *features, including air temperature, seat positions, and*
8 *infotainment, to critical safety features, such as air bags and*
9 *antilock brakes, to complex engine systems, such as transmission,*
10 *fuel, emissions, and exhaust systems.*

11 (2) *These computers can generate and collect information that*
12 *is important to consumers about the condition and performance*
13 *of their motor vehicles, including repair, maintenance, and*
14 *diagnostic information.*

15 (3) *These computers can also generate and collect sensitive*
16 *personal information about consumers and their driving behaviors.*
17 *For example, motor vehicles can collect precise location*
18 *information as well as information about where and when*
19 *consumers have driven their motor vehicles. Motor vehicles can*

1 also collect information about how consumers drive, including
2 information about braking, acceleration, speed, and the number
3 of passengers carried.

4 (4) In 2014, approximately one in five new motor vehicles sold
5 in California will be equipped with systems that can wirelessly
6 transmit consumer vehicle information outside the motor vehicle.
7 By 2025, it is expected that all new motor vehicles sold in
8 California will have wireless data transmission capabilities along
9 with the capacity to generate vast quantities of information about
10 consumers, their driving habits, and the condition and performance
11 of their motor vehicles.

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

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

24 (b) It is therefore the intent of the Legislature to create a uniform
25 policy that ensures that consumers are clearly informed of the
26 kinds of information their motor vehicles generate and collect
27 about them, including information about their driving habits and
28 the condition of their motor vehicles. It is also the intent of the
29 Legislature that consumers are given more choice over who can
30 access and use this information from their motor vehicles as well
31 as rights to securely transmit this information from their motor
32 vehicles to service providers of their choice.

33 SEC. 3. Section 9957 is added to the Vehicle Code, to read:

34 9957. (a) This section applies to new vehicles sold or leased
35 in this state on or after January 1, 2016.

36 (b) A manufacturer of a new motor vehicle sold or leased in
37 this state that generates or collects vehicle information shall do
38 all of the following:

39 (1) Disclose that the motor vehicle generates or collects vehicle
40 information and describe the types of vehicle information generated

1 *or collected by the motor vehicle in a plainly written statement*
2 *included in the owner's manual for the motor vehicle.*

3 *(2) Provide a copy of the statement described in paragraph (1)*
4 *in a separate document printed in no less than 12-point type to the*
5 *prospective registered owner of the new motor vehicle prior to the*
6 *purchase or lease of the vehicle.*

7 *(3) The statement in the owner's manual pursuant to paragraph*
8 *(1) and the statement contained in the separate document described*
9 *in paragraph (2) shall include the following statement in 14-point*
10 *bold type:*

11
12 *“THIS MOTOR VEHICLE GENERATES AND COLLECTS*
13 *INFORMATION ABOUT YOU, HOW YOU DRIVE, AND THE*
14 *CONDITION OF YOUR MOTOR VEHICLE. UNDER*
15 *CALIFORNIA LAW, YOU THE HAVE RIGHT TO CHOOSE WHO*
16 *CAN ACCESS THIS INFORMATION FROM YOUR MOTOR*
17 *VEHICLE.”*

18
19 *(4) Affix the statement described in paragraph (3) securely in*
20 *a clear and conspicuous manner to the side window or windshield*
21 *of the new motor vehicle.*

22 *(c) A manufacturer of a new motor vehicle sold or leased in this*
23 *state that generates or collects vehicle information shall provide*
24 *the registered owner of the motor vehicle with all of the following:*

25 *(1) Access from the motor vehicle to the vehicle information.*

26 *(2) Fair and reasonable access to tools and information*
27 *reasonably necessary to use the vehicle information.*

28 *(3) The ability to securely transmit the vehicle information*
29 *outside the motor vehicle to any person selected by the registered*
30 *owner of the motor vehicle.*

31 *(A) The manufacturer shall not impose any fees or charges on*
32 *a registered owner to make transmissions of vehicle information*
33 *pursuant to this paragraph.*

34 *(B) The manufacturer shall provide fair, nondiscriminatory,*
35 *and reasonable means for persons selected by the registered owner*
36 *in accordance with this paragraph to receive the vehicle*
37 *information in a standard, usable format.*

38 *(C) If the motor vehicle is equipped with a telematics system,*
39 *the manufacturer shall provide the registered owner with the ability*
40 *to use the telematics system to securely transmit vehicle*

1 *information in accordance with this paragraph and shall provide*
2 *fair, nondiscriminatory, and reasonable means for persons selected*
3 *by the registered owner in accordance with this paragraph to*
4 *securely access the telematics system to provide remote services*
5 *that are requested by the registered owner.*

6 *(d) A manufacturer shall not limit, impair, or otherwise restrict,*
7 *by any means, the ability of a registered owner to access, use, or*
8 *transmit his or her vehicle information. A manufacturer shall not*
9 *take any adverse action against a registered owner for accessing*
10 *or using his or her vehicle information or transmitting his or her*
11 *vehicle information outside the motor vehicle to a person other*
12 *than the manufacturer or obtaining services that use vehicle*
13 *information from a person other than the manufacturer.*

14 *(e) Vehicle information shall not be downloaded or transmitted*
15 *outside the motor vehicle or otherwise retrieved from the motor*
16 *vehicle by a person other than the registered owner of the motor*
17 *vehicle, except under one of the following circumstances:*

18 *(1) A registered owner of the motor vehicle consents to the*
19 *download, transmission, or retrieval of his or her vehicle*
20 *information.*

21 *(2) The vehicle information is downloaded, transmitted, or*
22 *retrieved by the manufacturer of the motor vehicle. The*
23 *manufacturer shall not release or otherwise disclose the vehicle*
24 *information received pursuant to this paragraph to any person*
25 *other than the registered owner of the motor vehicle, unless that*
26 *vehicle information is in a form that cannot be used to identify the*
27 *registered owner or driver of the motor vehicle.*

28 *(3) The vehicle information is downloaded, transmitted, or*
29 *retrieved for the purpose of diagnosing, servicing, or repairing a*
30 *motor vehicle at the request of the registered owner or driver of*
31 *that motor vehicle.*

32 *(4) For purposes of improving motor vehicle safety, including*
33 *for medical research of the human body's reaction to motor vehicle*
34 *accidents, provided that the identity of the registered owner or*
35 *driver is not disclosed in connection with that retrieved*
36 *information. The disclosure of the vehicle identification number*
37 *(VIN) for purposes of improving vehicle safety, including for*
38 *medical research of the human body's reaction to motor vehicle*
39 *accidents, does not constitute the disclosure of the identity of a*
40 *registered owner or driver for purposes of this paragraph. A person*

1 authorized to download or otherwise retrieve vehicle information
2 pursuant to this paragraph shall not release that vehicle
3 information, except to share that information among the motor
4 vehicle safety and medical research communities to advance motor
5 vehicle safety, and only if the identity of the registered owner or
6 driver is not disclosed.

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

9 (f) A registered owner of a motor vehicle shall not be compelled
10 to access, download, or retrieve vehicle information from the motor
11 vehicle or transmit vehicle information outside the motor vehicle
12 except pursuant to an order of a court having jurisdiction to issue
13 the order or as otherwise required by law.

14 (g) This section shall not be construed to require a manufacturer
15 of a motor vehicle to disclose any trade secret.

16 (h) This section does not relieve manufacturers of the duty to
17 create secure telematics, computer, and other electronic systems
18 in the motor vehicles they manufacture, including the duty to
19 prevent unauthorized access into these systems.

20 (i) For purposes of this section, “vehicle information” means
21 any and all data that is generated or collected by a motor vehicle
22 through a computer or other device embedded or integrated into
23 a motor vehicle that can be used, either alone or with other
24 information, to distinguish or individually identify the registered
25 owner of a motor vehicle, the driver of a motor vehicle, or the
26 operation, use, or condition of a motor vehicle. “Vehicle
27 information” includes, but is not limited to, all of the following:

28 (1) The name, address, e-mail address, and telephone number
29 of the registered owner or driver of the motor vehicle and the
30 motor vehicle’s vehicle identification number.

31 (2) Speed, distance, braking, acceleration, steering, seat-belt
32 use, air bag deployment, collision, accident, geolocation,
33 time-of-day driven, miles driven, duration driven, driving style,
34 fuel, tire pressure, passenger, battery, door lock, and odometer
35 information, sensor data, subsystem data, and diagnostic trouble
36 codes.

37 (j) For purposes of this section, “registered owner” means a
38 registered owner as defined in Section 505 and, in the case of a
39 leased vehicle, the lessee as shown on the registration card for the
40 leased vehicle.

1 (k) For purposes of this section, the term “telematics system”
2 means a system that allows the transmission of data to and from
3 the motor vehicle using one or more embedded or mobile
4 communication devices that connect to telecommunications
5 networks, including, but not limited to, wireless and landline
6 communication networks and global positioning system satellites.

7 SEC. 4. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 SECTION 1. ~~Section 31 of the Vehicle Code is amended to~~
17 ~~read:~~

18 ~~31. A person shall not give, either orally or in writing,~~
19 ~~information that the person knows is false to a peace officer who~~
20 ~~is performing his or her duties pursuant to the provisions of this~~
21 ~~code.~~