

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 1925**

To limit the retrieval of data from vehicle event data recorders.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. KLOBUCHAR

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Driver Privacy Act”.

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

7 (a) OWNERSHIP OF DATA.—Any data retained by an  
8 event data recorder (as defined in section 563.5 of title  
9 49, Code of Federal Regulations), regardless of when the  
10 motor vehicle in which it is installed was manufactured,  
11 is the property of the owner, or, in the case of a leased

1 vehicle, the lessee of the motor vehicle in which the event  
2 data recorder is installed.

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

8 (1) a court or other judicial or administrative  
9 authority having jurisdiction—

10 (A) authorizes the retrieval of the data;

11 and

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

16 (2) an owner or a lessee of the motor vehicle  
17 provides written or electronic consent to the retrieval  
18 of the data for any purpose, including the purpose  
19 of diagnosing, servicing, or repairing the motor vehi-  
20 cle;

21 (3) the data is retrieved pursuant to an inves-  
22 tigation or inspection authorized under section  
23 1131(a) or 30166 of title 49, United States Code,  
24 and the personally identifiable information of an  
25 owner or a lessee of the vehicle and the vehicle iden-

1       tification number is not disclosed in connection with  
2       the retrieved data, except that the vehicle identifica-  
3       tion number may be disclosed to the certifying man-  
4       ufacturer;

5           (4) the data is retrieved for the purpose of de-  
6       termining the need for, or facilitating, emergency  
7       medical response in response to a motor vehicle  
8       crash; or

9           (5) the data is retrieved for traffic safety re-  
10      search, and the personally identifiable information of  
11      an owner or a lessee of the vehicle and the vehicle  
12      identification number is not disclosed in connection  
13      with the retrieved data.

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

15      (a) IN GENERAL.—Not later than 1 year after the  
16      date of the enactment of this Act, the Administrator of  
17      the National Highway Traffic Safety Administration shall  
18      submit a report to Congress that contains the results of  
19      a study conducted by the Administrator to determine the  
20      amount of time event data recorders installed in passenger  
21      motor vehicles should capture and record for retrieval ve-  
22      hicle-related data in conjunction with an event in order  
23      to provide sufficient information to investigate the cause  
24      of motor vehicle crashes.

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