

113TH CONGRESS
1ST SESSION

H. R. 2414

To require automobile manufacturers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2013

Mr. CAPUANO (for himself, Mr. SENSENBRENNER, Mr. GRIFFITH of Virginia, Ms. BROWNLEY of California, Mrs. NAPOLITANO, Ms. JACKSON LEE, Mr. FORTENBERRY, Mr. RODNEY DAVIS of Illinois, Mr. CAMPBELL, Mr. DAINES, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require automobile manufacturers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Black Box Privacy
3 Protection Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Consumers have the right to know that
7 event data recorders are installed in their vehicles,
8 that they are capable of collecting data recorded in
9 automobile accidents, and how such data may be
10 used.

11 (2) From the standpoint of consumer privacy
12 rights, most consumers are not aware that their ve-
13 hicles are recording data that not only may be used
14 to aid traffic safety analyses, but has the potential
15 of being used against them in a civil or criminal pro-
16 ceeding, or by their insurer to increase rates.

17 **SEC. 3. DISCLOSURE OF EVENT DATA RECORDERS ON**
18 **AUTOMOBILES AND MOTORCYCLES.**

19 (a) LABELING DISCLOSURE FOR AUTOMOBILES.—
20 Section 3 of the Automobile Information Disclosure Act
21 (15 U.S.C. 1232) is amended—

22 (1) in subsection (g)(4)(B) by striking “; and”
23 and inserting a semicolon;

24 (2) in subsection (h), by striking the period at
25 the end and inserting “; and”; and

26 (3) by adding at the end the following:

1 “(i)(1) the presence and location of an event
2 data recorder;

3 “(2) the type of information recorded by the event
4 data recorder and how such information is recorded; and

5 “(3) that the information recorded by the event data
6 recorder also may be used in a law enforcement pro-
7 ceeding.”.

8 (b) LABELING DISCLOSURE FOR MOTORCYCLES.—
9 The Automobile Information Disclosure Act is further
10 amended by adding after section 3 the following new sec-
11 tion:

12 **“SEC. 3A. DISCLOSURE OF EVENT DATA RECORDERS ON**
13 **MOTORCYCLES.**

14 “Every manufacturer of new motorcycles distributed
15 in commerce shall, prior to the delivery of any new motor-
16 cycle to any dealer, or at or prior to the introduction date
17 of new models delivered to a dealer prior to such introduc-
18 tion date, securely affix to the new motorcycle a label on
19 which such manufacturer shall disclose—

20 “(1) the presence and location of an event data
21 recorder;

22 “(2) the type of information recorded by the
23 event data recorder and how such information is re-
24 corded; and

1 “(3) that the information recorded by the event
2 data recorder also may be used in a law enforcement
3 proceeding.”.

4 (c) DEFINITIONS.—Section 2 of such Act (15 U.S.C.
5 1231) is amended by adding at the end the following:

6 “(i) The term ‘event data recorder’ means any device
7 or means of technology installed in an automobile that
8 records information such as automobile or motorcycle
9 speed, seatbelt use, application of brakes or other informa-
10 tion pertinent to the operation of the automobile or motor-
11 cycle, as applicable.

12 “(j) The term ‘motorcycle’ means a vehicle having a
13 seat or saddle for the use of the rider, designed to travel
14 on not more than three wheels in contact with the ground,
15 and weighing less than 1,500 pounds.

16 “(k) The term ‘new motorcycle’ means a motorcycle
17 the equitable or legal title to which has never been trans-
18 ferred by a manufacturer, distributor, or dealer to an ulti-
19 mate purchaser.”.

20 (d) RULEMAKING.—Within 180 days following the
21 enactment of this Act, the National Highway Traffic Safe-
22 ty Administration shall prescribe regulations setting forth
23 a uniform method by which a manufacturer shall provide
24 the disclosures required by the amendments made by this
25 section.

1 **SEC. 4. REQUIREMENT FOR EVENT DATA RECORDERS ON**
2 **NEW AUTOMOBILES.**

3 No person may manufacture for sale, sell, offer for
4 sale, introduce or deliver into interstate commerce, or im-
5 port into the United States, an automobile manufactured
6 after 2015 (and bearing a model year of 2016 or later)
7 that is equipped with an event data recorder, unless such
8 event data recorder includes a function whereby the con-
9 sumer can control the recording of information by the
10 event data recorder.

11 **SEC. 5. OWNERSHIP AND UNLAWFUL RETRIEVAL OF EVENT**
12 **DATA RECORDER DATA.**

13 (a) OWNERSHIP RIGHTS; CONDUCT PROHIBITED.—
14 Any event data recorder in an automobile or motorcycle
15 and any data recorded on any event data recorder in an
16 automobile or motorcycle shall be considered the property
17 of the owner of the automobile or motorcycle. It shall be
18 unlawful for any person other than the owner of the auto-
19 mobile or motorcycle to download or otherwise retrieve
20 data that is recorded on any event data recorder except
21 under one of the following circumstances:

22 (1) The owner of the automobile or motorcycle
23 or the owner's agent or legal representative consents
24 to the retrieval of the information.

25 (2) In response to an order of a court having
26 jurisdiction to issue the order.

1 (3) The data is retrieved by a dealer, or by an
2 automotive technician for the purpose of diagnosing,
3 servicing, or repairing the automobile or motorcycle.

4 (b) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-
5 CEPTIVE ACTS OR PRACTICES.—A violation of subsection
6 (a) shall be treated as a violation of a rule defining an
7 unfair or deceptive act or practice prescribed under section
8 18(a)(1)(B) of the Federal Trade Commission Act (15
9 U.S.C. 57a(a)(1)(B)).

10 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-
11 MISSION.—The Federal Trade Commission shall enforce
12 this section in the same manner, by the same means, and
13 with the same jurisdiction, powers, and duties as though
14 all applicable terms and provisions of the Federal Trade
15 Commission Act (15 U.S.C. 41 et seq.) were incorporated
16 into and made a part of this section.

17 **SEC. 6. CRIMINAL PENALTIES.**

18 (a) IN GENERAL.—Chapter 2 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 40A. Event data recorders on automobiles.**

22 “Whoever, in or affecting interstate or foreign com-
23 merce, knowingly fails to provide the disclosure required
24 by section 3(i) or 3A of the Automobile Information Dis-
25 closure Act (15 U.S.C. 1232) relating to event data re-

1 corders, or knowingly violates section 4 of the Black Box
2 Privacy Protection Act, shall be fined under this title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 of title 18, United States Code, is amended by adding
5 after the item relating to section 40, the following:

“40A. Event data recorders on automobiles.”.

6 **SEC. 7. DEFINITIONS.**

7 As used in this Act:

8 (1) The term “consumer” has the meaning
9 given the term “ultimate purchaser” in section 2 of
10 the Automobile Information Disclosure Act (15
11 U.S.C. 1231).

12 (2) The term “dealer” has the meaning given
13 that term in section 30102(a) of title 49, United
14 States Code.

15 (3) The term “event data recorder” means any
16 device or means of technology installed in an auto-
17 mobile that records information such as vehicle
18 speed, seatbelt use, application of brakes or other in-
19 formation pertinent to the operation of the auto-
20 mobile.

21 (4) The terms “manufacturer”, “new auto-
22 mobile”, and “new motorcycle” have the meanings
23 given those terms in section 2 of the Automobile In-
24 formation Disclosure Act (15 U.S.C. 1231).

1 **SEC. 8. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect 180 days after the date of enactment of this
4 Act.

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