

118TH CONGRESS
2D SESSION

S. 5282

To restrict car manufacturers and other companies from selling consumer car-related data, increase transparency regarding data practices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. MERKLEY (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To restrict car manufacturers and other companies from selling consumer car-related data, increase transparency regarding data practices, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Car Privacy Rights
5 Act of 2024”.

1 **SEC. 2. RESTRICTING THE SHARING OR SELLING OF CON-**
2 **SUMER CAR-RELATED DATA.**

3 (a) IN GENERAL.—Subject to subsections (b) and (c),
4 it shall be unlawful for a covered entity to share or sell
5 any consumer car-related data of a consumer unless—

6 (1) the covered entity provides the consumer—

7 (A) a notice that—

8 (i) the covered entity intends to share
9 or sell such data;

10 (ii) is provided in a clear and con-
11 spicuous standalone disclosure that de-
12 scribes each instance the covered entity
13 plans to share or sell such data;

14 (iii) states for each specific category
15 of such data if the covered entity is shar-
16 ing or selling such data in order to provide
17 a service requested by the consumer or for
18 another purpose;

19 (iv) is written in easy-to-understand
20 language;

21 (v) is provided by a means that would
22 be reasonably anticipated by the consumer
23 given the relationship between the con-
24 sumer and the covered entity; and

25 (vi) is accessible to persons with dis-
26 abilities; and

1 (B) an opportunity to explicitly grant af-
2 firmative express consent to allow the covered
3 entity to share or sell such data; and

4 (2) the consumer explicitly grants such affirma-
5 tive express consent.

6 (b) REVOCATION OF CONSENT.—If a consumer
7 grants affirmative express consent to allow a covered enti-
8 ty to share or sell the data of such consumer pursuant
9 to subsection (a)(2), the covered entity shall allow such
10 consumer to easily revoke such consent directly through
11 the website of the covered entity, or application of the cov-
12 ered entity, or through direct mail.

13 (c) EXCEPTION.—Subsection (a) shall not apply to
14 any data a covered entity shares with the National High-
15 way Traffic Safety Administration.

16 **SEC. 3. REPORTING OF CONSUMER DATA PRIVACY PRAC-**
17 **TICES.**

18 (a) IN GENERAL.—Not later than 120 days after the
19 date of enactment of this Act and annually thereafter,
20 each car manufacturer and motor vehicle insurance com-
21 pany shall submit a report to the Commission regarding
22 their consumer data privacy practices, including any con-
23 sumer car-related data that are being collected, the pur-
24 pose behind such data being collected, what entities are

1 being shared or sold such data, and an overview of their
2 data sharing practices.

3 (b) FTC REPORT.—Not later than 180 days after the
4 date described in subsection (a) and annually thereafter,
5 the Commission shall submit to Congress and publish on
6 the website of the Commission a report containing a sum-
7 mary of the information described in subsection (a).

8 **SEC. 4. GUIDANCE OR RULEMAKING REGARDING CAR MAN-**
9 **UFACTURERS ADDRESSING DOMESTIC VIO-**
10 **LENCE ISSUES RELATED TO THEIR APPLICA-**
11 **TIONS.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Commission, in consultation with the Fed-
14 eral Communications Commission and the National High-
15 way Traffic Safety Administration, shall issue guidance or
16 promulgate regulations regarding how car manufacturers
17 can address domestic violence issues related to any appli-
18 cation of a car manufacturer that has the capability to
19 determine the precise geolocation of an individual, con-
20 sumer car, or device.

21 **SEC. 5. ENFORCEMENT.**

22 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
23 A violation of this Act or a regulation promulgated under
24 this Act shall be treated as a violation of a rule defining
25 an unfair or deceptive act or practice under section

1 18(a)(1)(B) of the Federal Trade Commission Act (15
2 U.S.C. 57a(a)(1)(B)).

3 (b) POWERS OF THE COMMISSION.—

4 (1) IN GENERAL.—The Commission shall en-
5 force this Act in the same manner, by the same
6 means, and with the same jurisdiction, powers, and
7 duties as though all applicable terms and provisions
8 of the Federal Trade Commission Act (15 U.S.C. 41
9 et seq.) were incorporated into and made a part of
10 this Act.

11 (2) PRIVILEGES AND IMMUNITIES.—Any person
12 who violates this Act or a regulation promulgated
13 under this Act shall be subject to the penalties and
14 entitled to the privileges and immunities provided in
15 the Federal Trade Commission Act (15 U.S.C. 41 et
16 seq.).

17 (3) AUTHORITY PRESERVED.—Nothing in this
18 section shall be construed to limit the authority of
19 the Commission under any other provision of law.

20 (4) RULEMAKING.—The Commission shall pro-
21 mulgate in accordance with section 553 of title 5,
22 United States Code, such rules as may be necessary
23 to carry out this Act.

24 **SEC. 6. DEFINITIONS.**

25 In this Act:

1 (1) AFFIRMATIVE EXPRESS CONSENT.—The
2 term “affirmative express consent” means an affirm-
3 ative act by a consumer that—

4 (A) clearly communicates the authorization
5 of the consumer for an act or practice;

6 (B) is provided in response to a notice that
7 meets the requirements of section 2(a)(1)(A);
8 and

9 (C) is not—

10 (i) acceptance of general or broad
11 terms of service or a similar document;

12 (ii) accomplished by hovering over,
13 muting, pausing, or closing a given piece of
14 content; or

15 (iii) acceptance of an agreement ob-
16 tained through the use of false, fraudulent,
17 or materially misleading means.

18 (2) APPLICATION.—The term “application”
19 means a software program that runs on the oper-
20 ating system of a device.

21 (3) COMMISSION.—The term “Commission”
22 means the Federal Trade Commission.

23 (4) CONSUMER.—The term “consumer” means
24 an individual who is a citizen or resident of, or lo-
25 cated in, the United States.

1 (5) CONSUMER CAR.—The term “consumer
2 car” means a motor vehicle, as defined in section
3 30102 of title 49, United States Code, that is
4 owned, leased, or operated by a consumer, but ex-
5 cluding any motor vehicle owned, leased, or operated
6 in a commercial or employment context.

7 (6) CONSUMER CAR-RELATED DATA.—The term
8 “consumer car-related data” means any information,
9 including derived data and unique identifiers, that
10 is—

11 (A) linked or reasonably linkable, alone or
12 in combination with other information, to an
13 identified or identifiable individual or a device;
14 and

15 (B) collected or derived from and describes
16 the historic operation, condition, status, or pre-
17 cise geolocation of a consumer car or its occu-
18 pants.

19 (7) COVERED ENTITY.—The term “covered en-
20 tity” means any person that collects the consumer
21 car-related data of an individual, including car man-
22 ufacturers, insurance companies, and companies that
23 collect such data through digital applications.

24 (8) DEVICE.—The term “device” means any
25 electronic equipment capable of collecting, proc-

1 essing, retaining, or transferring consumer car-re-
2 lated data, including such devices equipped on a con-
3 sumer car.

4 (9) PRECISE GEOLOCATION.—The term “pre-
5 cise geolocation” means information that reveals the
6 past or present physical location of an individual,
7 consumer car, or device with sufficient precision to
8 identify—

9 (A) street-level location information of
10 such individual, consumer car, or device; or

11 (B) the location of such individual, con-
12 sumer car, or device within a range of 1,850
13 feet or less.

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