

115TH CONGRESS  
1ST SESSION

# H. R. 3568

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. CAPUANO (for himself and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

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

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 “Black Box Privacy  
5 Protection Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

13 **SEC. 3. DISCLOSURE OF EVENT DATA RECORDERS ON**  
14 **AUTOMOBILES, MOTORCYCLES, AND**  
15 **AUTOCYCLES.**

16 (a) LABELING DISCLOSURE FOR AUTOMOBILES.—  
17 Section 3 of the Automobile Information Disclosure Act  
18 (15 U.S.C. 1232) is amended—

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

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

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

24 “(i)(1) the presence and location of an event data re-  
25 corder;

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

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

6 (b) LABELING DISCLOSURE FOR MOTORCYCLES AND  
7 AUTOCYCLES.—The Automobile Information Disclosure  
8 Act is further amended by adding after section 3 the fol-  
9 lowing new section:

10 **“SEC. 3A. DISCLOSURE OF EVENT DATA RECORDERS ON**  
11 **MOTORCYCLES AND AUTOCYCLES.**

12 “Every manufacturer of new motorcycles or  
13 autocycles distributed in commerce shall, prior to the de-  
14 livery of any new motorcycle or autocycle to any dealer,  
15 or at or prior to the introduction date of new models deliv-  
16 ered to a dealer prior to such introduction date, securely  
17 affix to the new motorcycle or autocycle a label on which  
18 such manufacturer shall disclose—

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

21 “(2) the type of information recorded by the  
22 event data recorder and how such information is re-  
23 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 ‘autocycle’ means a vehicle with three  
7           wheels, a partially or fully enclosed occupant compart-  
8           ment, and a steering wheel.

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

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

19          “(l) The term ‘new motorcycle’ or ‘new autocycle’  
20          means a motorcycle or autocycle, respectively, the equi-  
21          table or legal title to which has never been transferred by  
22          a manufacturer, distributor, or dealer to an ultimate pur-  
23          chaser.”.

24          (d) RULEMAKING.—Within 180 days following the  
25          enactment of this Act, the National Highway Traffic Safe-

1 ty Administration shall prescribe regulations setting forth  
2 a uniform method by which a manufacturer shall provide  
3 the disclosures required by the amendments made by this  
4 section.

5 **SEC. 4. REQUIREMENT FOR EVENT DATA RECORDERS ON**  
6 **NEW AUTOMOBILES.**

7 (a) IN GENERAL.—Subchapter II of chapter 301 of  
8 title 49, United States Code, is amended by adding at the  
9 end the following new section:

10 **“§ 30129. Event data recorders**

11 “No person may manufacture for sale, sell, offer for  
12 sale, introduce or deliver into interstate commerce, or im-  
13 port into the United States, an automobile manufactured  
14 after 2018 (and bearing a model year of 2019 or later)  
15 that is equipped with an event data recorder, unless such  
16 event data recorder includes a function whereby the con-  
17 sumer can control the recording of information by the  
18 event data recorder.”.

19 (b) ENFORCEMENT.—Section 30165(a)(1) of chapter  
20 301 of title 49, United States Code, is amended by insert-  
21 ing “30129,” after “30127,”.

22 (c) TABLE OF CONTENTS AMENDMENT.—The table  
23 of contents for chapter 301 of title 49, United States  
24 Code, is amended by adding after the item relating to sec-  
25 tion 30128 the following new item:

“30129. Event data recorders.”.

1 **SEC. 5. DEFINITIONS.**

2 As used in this Act:

3 (1) The term “consumer” has the meaning  
4 given the term “ultimate purchaser” in section 2 of  
5 the Automobile Information Disclosure Act (15  
6 U.S.C. 1231).

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

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

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

20 **SEC. 6. EFFECTIVE DATE.**

21 This Act and the amendments made by this Act shall  
22 take effect 180 days after the date of enactment of this  
23 Act.

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