

**STATEMENT OF THE
AMERICAN ALLIANCE FOR VEHICLE OWNERS' RIGHTS**

**BEFORE THE
HOUSE ENERGY AND COMMERCE COMMITTEE'S
INNOVATION, DATA AND COMMERCE SUBCOMMITTEE'S
HEARING ON**

**"ADDRESSING AMERICA'S DATA PRIVACY SHORTFALLS: HOW A NATIONAL STANDARD FILLS
GAPS TO PROTECT AMERICANS' PERSONAL INFORMATION"**

APRIL 27, 2023

The undersigned organizations and companies of the American Alliance for Vehicle Owners' Rights ("AAVOR") respectfully submit this statement to the House Energy and Commerce Committee's Innovation, Data and Commerce Subcommittee and ask that it be made part of the official hearing record for the April 27, 2023 hearing entitled "Addressing America's Data Privacy Shortfalls: How a National Standard Fills Gaps to Protect Americans' Personal Information."

Background on AAVOR

AAVOR is a diverse group of stakeholders united by the common goal of guaranteeing the right of all vehicle owners and users to have access to, and control of, the data generated by their vehicles. AAVOR's members represent interests from across the mobility ecosystem, including consumer advocates, fleet owners and operators, shared mobility service providers, automotive repairers, insurers, automotive recyclers, and telematics providers.

Vehicle Data Access and Data Privacy

The policy issue of the control – or "ownership" – of, and access to, the data generated by a motor vehicle – whether a car, truck or bus – by the owner of that motor vehicle is not necessarily a data privacy issue. Some of the data generated and retained by a motor vehicle may be "personal" or "sensitive" data that Congress has sought to safeguard in legislation such as the "American Data Privacy Protection Act" passed by the House of Representatives in 2022. But the vast majority of vehicle generated data is not "personal" or "sensitive" and thus is not regulated by ADPPA or other federal privacy initiatives. Thus, if enacted, ADPPA and AAVOR's policy objective with respect to vehicle owners' access to their vehicles' data would be compatible, not contradictory.

The primary congressional action on protecting vehicle data access for vehicle owners was the “Driver Privacy Act of 2015”, championed by Senator Klobuchar (D-MN) and enacted as Section 24302 of the 2015 federal surface transportation reauthorization bill (FAST Act; Pub. L. 114-94). Section 24302 states that data collected by a vehicle’s “electronic data recorder” (“black box”) was owned by the vehicle owner. AAVOR seeks to update and future-proof this 2015 law by including all the types of vehicle-generated data created by today’s vehicles.

Prior to and after 2015, Congress has considered, but not yet passed, legislation to address the access to a vehicle’s repair and maintenance data to preserve consumer choice as to where they repair their vehicles. AAVOR’s vehicle data access policy goals encompass a vehicle owner’s right to control vehicle repair and maintenance data.

Congressional Vehicle Data Access Caucus

Congressmen Carter (R-GA) and Soto (D-FL) have taken an innovative approach to the issue of vehicle data access by vehicle owners by creating the “Congressional Vehicle Data Access Caucus” (Dear Colleague attached). The Caucus seeks to build on the 2015 Klobuchar amendment and develop federal legislation to apply to all vehicle generated data – not just data retained by a vehicle’s electronic data recorder.

AAVOR strongly supports the efforts of Reps. Carter and Soto and other legislators who have joined the Caucus to date. AAVOR urges other House members interested in addressing the important policy issue of vehicle data access to join the Caucus.

AAVOR also asks that this Subcommittee and the leaders of the Energy and Commerce Committee support the work of the Caucus as it seeks consensus among legislators and stakeholders on an appropriate approach to regulating a “gap” in current federal vehicle data privacy and access law.

AAVOR applauds the work being done by this Subcommittee during today’s hearing and respectfully asks it to expand its focus to vehicle data access regulation as it shapes future data policy initiatives in 2023.

**AMERICAN ALLIANCE FOR VEHICLE OWNERS’ RIGHTS
1707 L STREET, N.W.
WASHINGTON, D.C. 20036
WWW.AAVOR.ORG**

The “Road Ahead” for Vehicle Data Access

Vehicle generated data is the new frontier for the development of the future of mobility. Today’s connected vehicles (cars, trucks and buses) offer consumers innovative new services, and bring significant downstream business development potential for all stakeholders in the on-road transportation sector, including, but not limited to, navigation (real-time localization/traffic information), infotainment (access to online movies/music), maintenance (fleet management/remote diagnostics/vehicle recovery), insurance (pay-as-you-drive/claim investigation), traffic efficiency (reduced congestion), sustainability (reduced fuel consumption), and safety.

However, this requires the right legal framework, which enables all stakeholders to access data generated by vehicles, starting with individual consumers and fleet owners, and extending through Original Equipment Manufacturers (OEMs), parts suppliers, vehicle repairers, vehicle recyclers, and the other many players across the entire transportation sector. This vehicle-generated data is related to nearly every aspect of the vehicle’s operation and has been historically accessed through a physical “on-board diagnostics” (*e.g.*, OBD-II in passenger cars) port. A growing number of vehicles are transitioning to wireless access (telematics), bypassing the in-cabin, wired-access port and restricting access to vehicle-generated data by vehicle owners and third parties.

Vehicle-generated data – whether accessed through a wired port or telematics -- already provides many benefits to both consumers who own individual cars and companies that own dozens or thousands of vehicles. But these benefits will only be realized if vehicle owners: (1) retain the ability to securely access and control the data their vehicles (and equipment attached to their vehicles) generate, collect and store; (2) without artificial barriers that reduce consumer choice or competition; (3) in real-time through secure, technology-neutral, standards-based, in-vehicle access; and, (4) without obtaining consent from an entity that does not own or lease the vehicle.

AAVOR is convinced that the Congressional Vehicle Data Access Caucus is the appropriate forum for a discussion among all interested stakeholders regarding federal regulation of vehicle data access. AAVOR urges Congress, through the work of the Caucus, to take to take

the lead on federal policy with respect to all data generated, collected and stored by vehicles – including but certainly not limited to repair and maintenance data.

AAVOR appreciates the opportunity to submit this statement to the Subcommittee today and looks forward to working with the Congressional Vehicle Data Access Caucus, this Committee’s leadership and members to secure enactment of federal vehicle data access legislation in the near future. If you have questions about AAVOR’s views on the issues covered in these comments or other policy matters related to vehicle data access, competition, consumer protection or privacy, please do not hesitate to contact Greg Scott at 202-297-5123 or at gscott@aavor.org.

Signed,

American Bus Association

Avis Budget Group

American Car Rental Association

GPS Insight

American Oil Change Association

Geotab

American Property Casualty Insurance
Association

Privacy4Cars

Automotive Service Association

NAFA Fleet Management Association

Tire Industry Association

AMERICAN ALLIANCE FOR VEHICLE OWNERS’ RIGHTS
1707 L STREET, N.W.
WASHINGTON, D.C. 20036
WWW.AAVOR.ORG