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STATE REPRESENTATIVE • 59TH ASSEMBLY DISTRICT

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Committee on Government Operations and Consumer Protection

Public Hearing

SB 697

Members of the Committee,

Technology is evolving so rapidly that it is often difficult to remain proactive and stay abreast of potential privacy concerns; highlighted by the advent of now common-place technologies including smart phones, *Google Earth* and drones. This bill addresses privacy concerns relating to motor vehicle event data recorders (EDRs) and other vehicle data.

Event data recorders, commonly known as “black boxes,” use sensors to record technical information about a vehicle’s operation in relation to an event, such as an accident. While not yet mandated by the federal government, over 96 percent of all new cars on the road today contain a black box. In 2006, the National Highway Transportation Safety Administration (NHTSA) created an EDR rule standardizing the data that EDRs in vehicle model years 2013 and newer must collect. It should be noted that the NHTSA rule does not prohibit an auto manufacturer from collecting other data in addition to the required data points, or collecting for longer periods of time. A list of the required data points is provided with this testimony.

In addition to EDR data, your vehicle also records other information concerning vehicle operation and driving habits via onboard diagnostic, infotainment and navigation systems. Automatic Crash Notification (ACN) systems use information collected by the EDR, GPS and airbag sensors to alert first responders and police after an accident.

Although the federal Drivers Privacy Protection Act (DPPA) places limits on access to a vehicle owner’s personal information, it does not apply to EDR data.

This bill would codify ownership of vehicle data, and would simply require the owner or lessee’s written consent before data can be accessed or transmitted, except for the following situations:

1. A court order;
2. A mutual agreement between the owner and an insurance company for a usage-based policy;
3. A diagnostic test performed by a mechanic to diagnose a problem;
4. Law enforcement release of information to an insurance company during a claims investigation or for anti-fraud activities; and
5. For a contracted subscription service, such as OnStar.

This bill would also prohibit an insurance company from basing policy denial or cancellation substantially on whether access to an EDR is granted. In addition, Wisconsin’s DOT would be required



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to add EDR information to the Wisconsin Buyer's Guide window sticker, filled out by used car dealers indicating the presence of an EDR in a vehicle.

If signed into law, Wisconsin will join 17 other states having enacted similar privacy legislation. As EDRs develop in complexity and interactivity, this legislation will ensure that Wisconsin's motorists are sufficiently protected from unauthorized data access and transmission.

Thank you for your time.