

AMENDMENT

OFFERED BY MR. PERRY OF PENNSYLVANIA

At the end of subtitle A of title V of the bill, add the following:

1 **SEC. 50 ___. COMMERCIAL MOTOR VEHICLE DATA ACCESS.**

2 Title 49, United States Code, is amended by inserting
3 after chapter 317 the following:

4 **“CHAPTER 319—COMMERCIAL MOTOR**
5 **VEHICLE DATA ACCESS**

“31901. Commercial motor vehicle owner access to commercial motor vehicle data.

“31902. Enforcement by secretary.

“31903. Relationship to state law.

“31904. Motor vehicle safety rule of construction.

“31905. Definitions.

6 **“§ 31901. Commercial motor vehicle owner access to**
7 **commercial motor vehicle data**

8 “(a) IN GENERAL.—A manufacturer of a commercial
9 motor vehicle shall provide to a commercial motor vehicle
10 owner secure access to commercial motor vehicle data of
11 the commercial motor vehicle of such commercial motor
12 vehicle owner as follows:

13 “(1) At no cost beyond the purchase price of
14 such commercial motor vehicle.

15 “(2) In real time, except to the extent that a
16 data transmission latency issue beyond the commer-

1 cially reasonable control of the commercial motor ve-
2 hicle manufacturer temporarily precludes the com-
3 mercial motor vehicle manufacturer from providing
4 such real time access (such as when a commercial
5 motor vehicle is in a location where there is no wire-
6 less service).

7 “(3)(A) Without any restriction or limitation
8 with respect to the manner in which such commer-
9 cial motor vehicle owner—

10 “(i) uses such commercial motor vehi-
11 cle data; or

12 “(ii) authorizes access to or use of
13 such commercial motor vehicle data by a
14 third party, other than a person owned or
15 controlled by a foreign adversary (as de-
16 fined in section 791.2 of title 15, Code of
17 Federal Regulation.

18 “(B) Notwithstanding (i) and (ii), neither
19 a commercial motor vehicle owner nor a third
20 party to whom such owner authorizes access
21 shall knowingly provide such commercial motor
22 vehicle data to a commercial motor vehicle man-
23 ufacturer who is a competitor of the manufac-
24 turer of the owner’s vehicle.

1 “(4) In unencrypted form or, if encrypted, with
2 any software or tools necessary to decrypt such com-
3 mercial motor vehicle data, without a requirement
4 that such commercial motor vehicle owner pay a fee
5 or purchase a license to decrypt such commercial
6 motor vehicle data or use a device provided by such
7 manufacturer to access and use such commercial
8 motor vehicle data.

9 “(5) Through—

10 “(A) a motor vehicle interface port (such
11 as an on-board diagnostics port) of such com-
12 mercial motor vehicle, to the extent such com-
13 mercial motor vehicle is equipped with such a
14 port, and

15 “(B) digital transmission of such commer-
16 cial motor vehicle data utilizing a means that
17 does not rely on a vehicle interface port (such
18 as a real-time application programming inter-
19 face or other web or internet-based standard),
20 and

21 “(C) only with respect to the types of com-
22 mercial motor vehicle data that such commer-
23 cial motor vehicle manufacturer transmits to, or
24 collects for, itself or any third party (such as an

1 authorized dealer of such commercial motor ve-
2 hicle manufacturer).

3 “(6) In a manner that facilitates the deletion of
4 any user data stored in such commercial motor vehi-
5 cle.

6 “(7) In compliance with automotive industry cy-
7 bersecurity standards (such as ISO/SAE 24134).

8 “(b) The manufacturer of the commercial motor vehi-
9 cle of a commercial motor vehicle owner may not sell to
10 a third party the commercial motor vehicle data (including
11 in aggregated form) of such commercial vehicle owner’s
12 vehicle or use any such data to compete against such com-
13 mercial motor vehicle owner.

14 **“§ 31902. Enforcement by secretary**

15 “On the initiative of the Secretary of Transportation
16 or the complaint of a commercial motor vehicle owner, the
17 Secretary shall investigate and decide whether a manufac-
18 turer of a commercial motor vehicle has violated section
19 31901. If the Secretary, after notice and opportunity for
20 a hearing, finds that a manufacturer is in violation of sec-
21 tion 31901, the Secretary shall order the manufacturer
22 to comply with section 31901. The Secretary may enforce
23 section 31901 in the same manner as authorized pursuant
24 to section 46106.

1 **“§ 31903. Relationship to state law**

2 “No State, or political subdivision of a State, may
3 maintain, enforce, prescribe, or continue in effect any law,
4 rule, regulation, requirement, standard, or other provision
5 having the force and effect of law that relates to section
6 31901.

7 **“§ 31904. Motor vehicle safety rule of construction**

8 “Nothing in this Act shall be construed to alter or
9 affect any person’s obligation to comply with, or the au-
10 thority of the Secretary of Transportation under, chapter
11 301 of title 49, United States Code.

12 **“§ 31905. Definitions**

13 “In this chapter:

14 “(1) INFERRED OR DERIVED DATA.—The term
15 ‘inferred or derived data’ means electronic data cre-
16 ated, transformed, derived, extrapolated or inferred
17 from commercial motor vehicle data using patented,
18 copyrighted, or trade secret algorithms, models, or
19 other mechanisms.

20 “(2) COMMERCIAL MOTOR VEHICLE.—The term
21 ‘commercial motor vehicle’ has the meaning given
22 such term in section 31132.

23 “(3) COMMERCIAL MOTOR VEHICLE DATA.—
24 The term ‘commercial motor vehicle data’ means
25 raw data and pre-processed data that is electronic
26 data generated or processed onboard a commercial

1 motor vehicle, including data generated by sensors,
2 receivers, computer processing units, and other com-
3 ponents of the commercial motor vehicle, other than
4 inferred or derived data.

5 “(4) COMMERCIAL MOTOR VEHICLE OWNER.—
6 The term ‘commercial motor vehicle owner’ means a
7 commercial or governmental entity that owns, oper-
8 ates, manages, or leases a commercial motor vehicle
9 or a designee of any such person or entity.

10 “(5) PRE-PROCESSED DATA.—The term ‘pre-
11 processed data’ means electronic data that are data
12 points that have undergone processing for the pur-
13 pose of making them understandable and useable
14 prior to subsequent processing and analysis.

15 “(6) RAW DATA.—The term ‘raw data’ means
16 electronic data points which are automatically gen-
17 erated (such as by vehicle sensors) without any fur-
18 ther form of data processing.

19 “(7) USER DATA.—The term ‘user data’—

20 “(A) means data transferred from a per-
21 sonal or external device to a commercial motor
22 vehicle by a commercial motor vehicle owner or
23 user of such commercial motor vehicle; and

1 “(B) does not include commercial motor
2 vehicle data.”.

