HOUSE . . . . No.

The Commonwealth of Massachusetts

————————

PRESENTED BY:

Daniel J. Hunt

————————

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
    Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to access to motor vehicle data by the owner or designee of a motor vehicle.

————————

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Daniel J. Hunt	*13th Suffolk*	*11/20/2023*

HOUSE . . . . No.

By Representative Hunt of Boston, a petition (subject to Joint Rule 12) of Daniel J. Hunt relative to access to motor vehicle data by owners or designees of said data. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

_____

In the One Hundred and Ninety-Third General Court
(2023-2024)

_____

An Act relating to access to motor vehicle data by the owner or designee of a motor vehicle.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1   SECTION 1. The General Laws are hereby amended by inserting after chapter 93L the

2   following Chapter:-

3   Chapter 93M. Access To Motor Vehicle Data Act

4   Section 1. As used in this chapter, the following terms shall, unless the context clearly

5   requires otherwise, have the following meanings:

6   Access to motor vehicle data. (a) As used in this section:

7   "Access to motor vehicle data" means direct, in-vehicle, real- time, intelligible and bi-

8   directional accessibility to motor vehicle data, including but not limited to connected vehicle data

9   and access to electronic control units, through a technology-neutral, standards-based,

10   cybersecure interface which may include, but is not limited to, a wired onboard diagnostics port

11   or a wireless connection; such interface shall permit the operation of an open application

12   programming interface that enables a motor vehicle owner or user authorized by the motor

13   vehicle owner to redirect data to a third party authorized by the motor vehicle owner or erase any

14   and all data that the motor vehicle owner or user directly or electronically inputs into the motor

15   vehicle.

16   "Cybersecure interface" means an interface that provides both secure interoperability and

17   access to motor vehicle data between a motor vehicle and the motor vehicle's owner.

18   "Motor vehicle data" means all data generated, or generated and retained, by the

19   operation of a motor vehicle including but not limited to vehicle characteristics including but not

20   limited to make and model, vehicle build sheet information, data collected by onboard sensors

21   including but not limited to odometer, accelerometer, malfunction indicators, crash or collision

22   indicators, as well as advanced driving assistance systems including but not limited to adaptive

23   cruise control, automatic following distance control, automatic emergency braking, lane

24   departure correction, and other autonomous or assisted driving features, and additional

25   contextual and/or environmental data obtained by the vehicle including but not limited to GPS

26   and/or location, time of day, road conditions, vehicle following distance, usage of onboard

27   entertainment systems.

28   "Owner" means: (i) a person with an ownership or contracted beneficial interest in a

29   motor vehicle; or (ii) the lessee of a motor vehicle under a lease agreement of a term not less

30   than one hundred eighty days and shall include the designee of a motor vehicle owner.

31   "Person" shall mean an individual, trust, estate, partnership, association, company, or

32   corporation.

33   Section 2. A manufacturer shall provide access to motor vehicle data, wherever stored, of

34   the same quality as is available to the data holder, to the owner and to any third party designees

35   of the motor vehicle owner, without undue delay, free of charge, of the same quality as is

36   available to the data holder, without any restriction or limitations including, but not limited to, a

37   fee or license to decrypt motor vehicle data or a requirement to use a device provided by the

38   manufacturer to access and use motor vehicle data, and where applicable, continuously and in

39   real time, in a structured, commonly used machine readable format except as provided under

40   sections three, four, or five.

41   Section 3. This chapter does not preclude a manufacturer from employing cryptographic

42   or technological protections necessary to secure motor vehicle data, provided that the motor

43   vehicle owner, and the motor vehicle owner's designees, are provided the means to gain access

44   to motor vehicle data mandated under section two of this chapter, and such means of access to

45   motor vehicle data, is standardized by an independent standard making organization across all

46   motor vehicles.

47   Section 4. Notwithstanding any other provision of this chapter, no person, including but

48   not limited to a motor vehicle owner, shall be permitted to access motor vehicle data if the

49   person is the subject of a protective order under state law with respect to the natural person using

50   the motor vehicle.

51   Section 5. Nothing in this chapter shall require a manufacturer to divulge a trade secret.

52   The existence of a manufacturer's proprietary method for collecting, storing, formatting, or

53   communicating vehicle data, telematics or similar program shall not preclude access to motor

54   vehicle data under section two of this chapter.

55   Section 6. A manufacturer may not request a waiver of the vehicle owner's right to data

56   access under this section, require a waiver as a condition for purchasing, leasing, operating, or

57   obtaining warranty repairs, or offer any compensation or other incentive for a waiver. Any such

58   waiver obtained by a manufacturer shall be null and void.

59   SECTION 2. This Act shall take effect on July 1, 2024.