

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine Lawrence Gentile

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 to protect privacy of motor vehicle owners and operators from electronic spying.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>9/5/2025</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/22/2026</i>
<i>Lisa Field</i>	<i>3rd Bristol</i>	<i>9/23/2025</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/15/2026</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>9/17/2025</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>9/22/2025</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>9/24/2025</i>

HOUSE No.

By Representative Gentile of Sudbury, a petition (subject to Joint Rule 12) of Carmine Lawrence Gentile relative to the use of data from automobile surveillance devices, so-called. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to protect privacy of motor vehicle owners and operators from electronic spying.

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

1 Chapter 90 of the General Laws is hereby amended by adding the following section:-

2 Section 64. (a) For the purposes of this section, the following terms shall, unless the
3 context clearly requires otherwise, have the following meanings:

4 “Automobile surveillance device”, any electronic or electrically powered device that
5 creates or records information or data about the location, movements, operation or use of private
6 vehicles, including telematic devices, event data recorders, GPS tracking devices, onboard
7 diagnostic devices and Bluetooth tracking devices.

8 “Private vehicle”, a motor vehicle, as defined in section 1, that is privately owned and
9 operated, including, but not limited to, cars, sport utility vehicles, vans, motorcycles, motor
10 scooters and pickup trucks.

11 (b) No information or data located in or collected by an automobile surveillance device
12 shall be admissible in any legal or administrative proceeding in the commonwealth. Courts and
13 administrative agencies presented with such information or data shall exclude it from evidence.
14 No such information or data may be used as the basis of probable cause or as the basis, in whole
15 or in part, for any search warrant, arrest warrant or motor vehicle stop. Any conviction based in
16 whole or in part on information or data collected from an automobile surveillance device shall be
17 void.

18 (c) No information or data located in or collected by an automobile surveillance device
19 may be collected, gathered, sold, leased or allowed to be used for any purpose other than by the
20 owner or operator of a private vehicle to diagnose and repair the vehicle and by mechanics and
21 repair facilities retained by the owner or operator to diagnose and repair said vehicle. Within 5
22 days after a private vehicle is diagnosed or repaired, the mechanic or repair facility shall wholly,
23 completely and irrevocably destroy all information and data recorded. No mechanics or repair
24 facilities may sell, lease, transfer or allow the use of such information or data for any purpose
25 whatsoever. No seller, manufacturer, insurer or other person may use such information or data
26 for any purpose. No manufacturer, seller or provider of warranties for passenger motor vehicles
27 may condition or limit warranties on access to or use of such information or data.

28 (d) No contract or agreement may modify or supersede the privacy protection rights of
29 owners and operators. Relevant provisions of such contracts or agreements shall be null and
30 void as a violation of public policy.

31 (e) A violation of this section shall be a violation of chapter 93A.

32 (f) Any person whose information or data is collected, possessed or used shall have the
33 right to injunctive relief, compensatory damages, punitive damages, attorneys fees, costs and
34 interest. The attorney general may enforce the privacy protections established in this section and
35 may recover attorneys fees, costs and interest. It shall be presumed that the use or possession of
36 such information or data by persons other than the owner or operator or by mechanics solely for
37 the diagnosis or repair of motor vehicles has caused and will cause harm to the owner or
38 operator.

39 (g) This section shall not apply to a motor vehicle owned or operated by an employee of
40 the commonwealth, or any municipality, agency or political subdivision thereof, and used in the
41 course of their employment. This section shall not apply to commercial trucks with a weight of
42 more than 8,000 pounds, buses operating under United States Department of Transportation
43 regulations or motor vehicles used to transport students, the elderly or handicapped persons for
44 hire.