

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To protect consumers from security and privacy threats to their motor vehicles, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. MARKEY (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on

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## A BILL

To protect consumers from security and privacy threats to their motor vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Security and Privacy  
5 in Your Car Act of 2017” or the “SPY Car Act of 2017”.

6 **SEC. 2. CYBERSECURITY STANDARDS FOR MOTOR VEHI-**  
7 **CLES.**

8 (a) IN GENERAL.—Chapter 301 of title 49, United  
9 States Code, is amended—

10 (1) in section 30102(a)—

1 (A) by redesignating paragraphs (5)  
2 through (13) as paragraphs (11) through (19),  
3 respectively;

4 (B) by redesignating paragraphs (2)  
5 through (4) as paragraph (5) through (7), re-  
6 spectively;

7 (C) by redesignating paragraph (1) as  
8 paragraph (3);

9 (D) by inserting before paragraph (3), as  
10 redesignated, the following:

11 “(1) ‘Administrator’ means the Administrator  
12 of the National Highway Traffic Safety Administra-  
13 tion;

14 “(2) ‘Commission’ means the Federal Trade  
15 Commission;”;

16 (E) by inserting after paragraph (3), as re-  
17 designated, the following:

18 “(4) ‘critical software systems’ means software  
19 systems that can affect the driver’s control of the ve-  
20 hicle movement;” and

21 (F) by inserting after paragraph (7), as re-  
22 designated, the following:

23 “(8) ‘driving data’ includes any electronic infor-  
24 mation collected about—

1           “(A) a vehicle’s status, including, but not  
2 limited to, its location or speed; and

3           “(B) any owner, lessee, driver, or pas-  
4 senger of a vehicle;

5           “(9) ‘entry points’ includes means by which—

6           “(A) driving data may be accessed, directly  
7 or indirectly; or

8           “(B) control signals may be sent or re-  
9 ceived either wirelessly or through wired con-  
10 nections;

11           “(10) ‘hacking’ means the unauthorized access  
12 to electronic controls or driving data, either wire-  
13 lessly or through wired connections;”); and

14           (2) by inserting after section 30128 the fol-  
15 lowing:

16 **“§ 30129. Cybersecurity standards**

17           “(a) CYBERSECURITY STANDARDS.—

18           “(1) REQUIREMENT.—All motor vehicles manu-  
19 factured for sale in the United States on or after the  
20 date that is two years after the date on which final  
21 regulations are prescribed pursuant to section  
22 2(b)(2) of the SPY Car Act of 2017 shall comply  
23 with the cybersecurity standards set forth in para-  
24 graphs (2) through (4).

25           “(2) PROTECTION AGAINST HACKING.—

1           “(A) IN GENERAL.—All entry points to the  
2           electronic systems of each motor vehicle manu-  
3           factured for sale in the United States shall be  
4           equipped with reasonable measures to protect  
5           against hacking attacks.

6           “(B) ISOLATION MEASURES.—The meas-  
7           ures referred to in subparagraph (A) shall in-  
8           corporate isolation measures to separate critical  
9           software systems from noncritical software sys-  
10          tems.

11          “(C) EVALUATION.—The measures re-  
12          ferred to in subparagraphs (A) and (B) shall be  
13          evaluated for security vulnerabilities following  
14          best security practices, including appropriate  
15          applications of techniques such as penetration  
16          testing.

17          “(D) ADJUSTMENT.—The measures re-  
18          ferred to in subparagraphs (A) and (B) shall be  
19          adjusted and updated based on the results of  
20          the evaluation described in subparagraph (C).

21          “(3) SECURITY OF COLLECTED INFORMA-  
22          TION.—All driving data collected by the electronic  
23          systems that are built into motor vehicles shall be  
24          reasonably secured to prevent unauthorized access—

1           “(A) while such data are stored onboard  
2           the vehicle;

3           “(B) while such data are in transit from  
4           the vehicle to another location; and

5           “(C) in any subsequent offboard storage or  
6           use.

7           “(4) DETECTION, REPORTING, AND RESPOND-  
8           ING TO HACKING.—Any motor vehicle that presents  
9           an entry point shall be equipped with capabilities to  
10          immediately detect, report, and stop attempts to  
11          intercept driving data or control the vehicle.

12          “(b) PENALTIES.—A person that violates this section  
13          is liable to the United States Government for a civil pen-  
14          alty of not more than \$5,000 for each violation in accord-  
15          ance with section 30165.”.

16          (b) RULEMAKING.—

17                 (1) IN GENERAL.—Not later than 18 months  
18                 after the date of the enactment of this Act, the Ad-  
19                 ministrator of the National Highway Traffic Safety  
20                 Administration, after consultation with the Federal  
21                 Trade Commission, shall issue a Notice of Proposed  
22                 Rulemaking to carry out section 30129 of title 49,  
23                 United States Code, as added by subsection (a).

24                 (2) FINAL REGULATIONS.—Not later than three  
25                 years after the date of the enactment of this Act, the

1 Administrator, after consultation with the Commis-  
2 sion, shall issue final regulations to carry out section  
3 30129 of title 49, United States Code, as added by  
4 subsection (a).

5 (3) UPDATES.—Not later than three years after  
6 final regulations are issued pursuant to paragraph  
7 (2) and not less frequently than once every three  
8 years thereafter, the Administrator, after consulta-  
9 tion with the Commission, shall—

10 (A) review the regulations issued pursuant  
11 to paragraph (2); and

12 (B) update such regulations, as necessary.

13 (c) CLERICAL AMENDMENT.—The table of sections  
14 for chapter 301 of title 49, United States Code, is amend-  
15 ed by striking the item relating to section 30128 and in-  
16 serting the following:

“30128. Vehicle rollover prevention and crash mitigation.  
“30129. Cybersecurity standards.”.

17 (d) CONFORMING AMENDMENT.—Section  
18 30165(a)(1) of title 49, United States Code, is amended  
19 by inserting “30129,” after “30127,”.

20 **SEC. 3. CYBER DASHBOARD.**

21 (a) IN GENERAL.—Section 32302 of title 49, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

24 “(e) CYBER DASHBOARD.—

1           “(1) IN GENERAL.—All motor vehicles manu-  
2           factured for sale in the United States on or after the  
3           date that is 2 years after the date on which final  
4           regulations are prescribed pursuant to section  
5           3(b)(2) of the SPY Car Act of 2017 shall display a  
6           ‘cyber dashboard’, as a component of the label re-  
7           quired to be affixed to each motor vehicle under sec-  
8           tion 32908(b).

9           “(2) FEATURES.—The cyber dashboard re-  
10          quired under paragraph (1) shall inform consumers,  
11          through an easy-to-understand, standardized graph-  
12          ic, about the extent to which the motor vehicle pro-  
13          tects the cybersecurity and privacy of motor vehicle  
14          owners, lessees, drivers, and passengers beyond the  
15          minimum requirements set forth in section 30129 of  
16          this title and in section 27 of the Federal Trade  
17          Commission Act.”.

18          (b) RULEMAKING.—

19                 (1) IN GENERAL.—Not later than 18 months  
20                 after the date of the enactment of this Act, the Ad-  
21                 ministrators, after consultation with the Commission,  
22                 shall prescribe regulations for the cybersecurity and  
23                 privacy information required to be displayed under  
24                 section 32302(c) of title 49, United States Code, as  
25                 added by subsection (a).

1           (2) FINAL REGULATIONS.—Not later than 3  
2           years after the date of the enactment of this Act, the  
3           Administrator, after consultation with the Commis-  
4           sion, shall issue final regulations to carry out section  
5           32302 of title 49, United States Code, as added by  
6           subsection (a).

7           (3) UPDATES.—Not less frequently than once  
8           every 3 years, the Administrator, after consultation  
9           with the Commission, shall—

10                   (A) review the regulations issued pursuant  
11                   to paragraph (2); and

12                   (B) update such regulations, as necessary.

13 **SEC. 4. PRIVACY STANDARDS FOR MOTOR VEHICLES.**

14           (a) IN GENERAL.—The Federal Trade Commission  
15           Act (15 U.S.C. 41 et seq.) is amended by inserting after  
16           section 26 (15 U.S.C. 57c–2) the following:

17 **“SEC. 27. PRIVACY STANDARDS FOR MOTOR VEHICLES.**

18           “(a) IN GENERAL.—All motor vehicles manufactured  
19           for sale in the United States on or after the date that  
20           is two years after the date on which final regulations are  
21           prescribed pursuant to subsection (e) shall comply with  
22           the requirements under subsections (b) through (d).

23           “(b) TRANSPARENCY.—Each motor vehicle shall pro-  
24           vide clear and conspicuous notice, in clear and plain lan-  
25           guage, to the owners or lessees of such vehicle of the col-

1 lection, transmission, retention, and use of driving data  
2 collected from such motor vehicle.

3 “(c) CONSUMER CONTROL.—

4 “(1) IN GENERAL.—Subject to paragraphs (2)  
5 and (3), owners or lessees of motor vehicles shall be  
6 given the option of terminating the collection and re-  
7 tention of driving data.

8 “(2) ACCESS TO NAVIGATION TOOLS.—If a  
9 motor vehicle owner or lessee decides to terminate  
10 the collection and retention of driving data under  
11 paragraph (1), the owner or lessee shall not lose ac-  
12 cess to navigation tools or other features or capabili-  
13 ties, to the extent technically possible.

14 “(3) EXCEPTION.—Paragraph (1) shall not  
15 apply to driving data stored as part of the electronic  
16 data recorder system or other safety systems on-  
17 board the motor vehicle that are required for post-  
18 incident investigations, emissions history checks,  
19 crash avoidance or mitigation, or other regulatory  
20 compliance programs.

21 “(d) LIMITATION ON USE OF PERSONAL DRIVING IN-  
22 FORMATION.—

23 “(1) IN GENERAL.—A manufacturer (including  
24 an original equipment manufacturer) may not use  
25 any information collected by a motor vehicle for ad-

1 advertising or marketing purposes without affirmative  
2 express consent by the owner or lessee.

3 “(2) REQUESTS.—Consent requests under para-  
4 graph (1)—

5 “(A) shall be clear and conspicuous;

6 “(B) shall be made in clear and plain lan-  
7 guage; and

8 “(C) may not be a condition for the use of  
9 any nonmarketing feature, capability, or  
10 functionality of the motor vehicle.

11 “(e) ENFORCEMENT.—A violation of this section  
12 shall be treated as an unfair or deceptive act or practice  
13 in violation of a rule prescribed under section  
14 18(a)(1)(B).”.

15 (b) RULEMAKING.—

16 (1) IN GENERAL.—Not later than 18 months  
17 after the date of the enactment of this Act, the Fed-  
18 eral Trade Commission, after consultation with the  
19 Administrator of the National Highway Traffic Safe-  
20 ty Administration, shall prescribe regulations, in ac-  
21 cordance with section 553 of title 5, United States  
22 Code, to carry out section 27 of the Federal Trade  
23 Commission Act, as added by subsection (a).

24 (2) FINAL REGULATIONS.—Not later than three  
25 years after the date of the enactment of this Act, the

1 Commission, after consultation with the Adminis-  
2 trator, shall issue final regulations, in accordance  
3 with section 553 of title 5, United States Code, to  
4 carry out section 27 of the Federal Trade Commis-  
5 sion Act, as added by subsection (a).

6 (3) UPDATES.—Not less frequently than once  
7 every three years, the Commission, after consulta-  
8 tion with the Administrator, shall—

9 (A) review the regulations prescribed pur-  
10 suant to paragraph (2); and

11 (B) update such regulations, as necessary.