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TO: The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: House Bill 1464– Vehicle Data – Ownership and Use - SUPPORT

The Consumer Protection Division of the Office of the Attorney General supports House Bill 1464 (“HB 1464”), which would provide consumers with control over their vehicle’s data and protect consumers from discrimination in connection with sharing that data.

Under the federal Driver Privacy Act of 2015, vehicle owners or lessees own the data collected by a vehicle’s event data recorder, and except in limited circumstances, must provide consent before that data can be retrieved by others. HB 1464 protects Maryland consumers from price discrimination that may result from the exercise of their ownership rights. It does so by prohibiting insurers from raising the cost of coverage or denying coverage solely based on a vehicle owner’s refusal to provide the insurer with access to data collected by a vehicle’s event data recorder. Other states including Delaware, North Dakota, Oregon, and Virginia, provide their citizens with similar protections.¹

The existence of data in the context of cars is not a new phenomenon. Event data recorder and onboard diagnostics have been in cars for decades. Recently, however, there has been an explosion in the variety, the connectivity, and the volume of data.

Although the collection of data in cars is not exceptional, auto insurance is unique. It is one of the only products that most Americans are required to purchase by law. Because of this government mandate, it is particularly important that we ensure that the product is available,

¹ See Va. Code § 38.2-2212(C)(s) and § 38.2-2213.1 (prohibiting insurers from refusing to renew a motor vehicle insurance policy, reducing coverage, increasing the insured’s premium, or applying a surcharge solely because a motor vehicle owner refuses to allow an insurer access to recorded data); *see also* N.D. Cent. Code § 51-07-28(6) (prohibiting conditioning insurance on consent to share data); Ore. Rev. Stat. §§ 105.925 to .948 (prohibiting consent as a condition of payment/settlement of an insurance claim or of a lease agreement, and reiterating that the data belongs to the vehicle owner).

affordable, and priced fairly. Consumers have made it clear that they want privacy protections.² However, currently there is no comprehensive federal or Maryland law that provides privacy protections. Given this landscape, Marylanders should not be forced to choose between lower costs and control over the collection and use of their data. HB 1464 protects vehicle owners from being penalized for protecting their privacy by refusing to share data collected by their vehicles' event data recorders.

The Division respectfully requests that the Environment and Transportation Committee give House Bill 1464 a favorable report.

Cc: Members, Environment and Transportation Committee
The Honorable Sara Love

² A November 2019 poll by Pew Research found that "79% of adults assert they are very or somewhat concerned about how companies are using the data they collect about them." Pew Research Center, *Americans and Privacy: Concerned, Confused and Feeling Lack of Control Over Their Personal Information* (Nov. 15, 2019), <https://www.pewresearch.org/internet/2019/11/15/americansand-privacy-concerned-confused-and-feeling-lack-of-control-over-their-personal-information/>.