

119TH CONGRESS
2D SESSION

S. _____

To restrict car manufacturers and other companies from selling consumer car-related data, to increase transparency regarding data practices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restrict car manufacturers and other companies from selling consumer car-related data, to increase transparency regarding data practices, 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 “Car Privacy Rights
5 Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AFFIRMATIVE EXPRESS CONSENT.—The
2 term “affirmative express consent” means an affirm-
3 ative act by a consumer that—

4 (A) clearly communicates the authorization
5 of the consumer for an act or practice;

6 (B) is provided in response to a notice that
7 meets the requirements of section 4(a)(1)(A);
8 and

9 (C) is not—

10 (i) acceptance of general or broad
11 terms of service or a similar document;

12 (ii) accomplished by hovering over,
13 muting, pausing, or closing a given piece of
14 content;

15 (iii) acceptance of an agreement ob-
16 tained through the use of false, fraudulent,
17 or materially misleading means; or

18 (iv) in response to a notice that only
19 provides the choice to accept or agree to
20 the act or practice.

21 (2) APPLICATION.—The term “application”
22 means a software program that runs on the oper-
23 ating system of a device.

24 (3) COLLECT.—The term “collect” means, with
25 respect to consumer car-related data, to buy, rent,

1 gather, obtain, receive, access, or otherwise acquire
2 such data by any means.

3 (4) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (5) CONSUMER.—The term “consumer” means
6 an individual who is a citizen or resident of, or lo-
7 cated in, the United States.

8 (6) CONSUMER CAR.—The term “consumer
9 car” means a motor vehicle, as defined in section
10 30102 of title 49, United States Code, that is
11 owned, leased, or operated by a consumer, but ex-
12 cluding any motor vehicle owned, leased, or operated
13 in a commercial or employment context.

14 (7) CONSUMER CAR-RELATED DATA.—The term
15 “consumer car-related data” means any information,
16 including derived data and unique identifiers, that—

17 (A) is linked or reasonably linkable, alone
18 or in combination with other information, to an
19 individual or a device; and

20 (B) is—

21 (i) collected or derived from and de-
22 scribes the current or historic operation,
23 condition, status, or precise geolocation of
24 a consumer car or its occupants;

1 (ii) electronic data generated or proc-
2 essed onboard a consumer car, such as
3 data generated by sensors, receivers, com-
4 puter processing units, or other vehicle
5 components, including diagnostic, repair,
6 and maintenance data; or

7 (iii) stored, or capable of being stored,
8 in a consumer car generated by the user of
9 such consumer car.

10 (8) COVERED ENTITY.—The term “covered en-
11 tity” means any person that collects, processes, or
12 transfers the consumer car-related data of an indi-
13 vidual, including a car manufacturer, insurance com-
14 pany, or a company that collects such data through
15 an application.

16 (9) DE-IDENTIFIED DATA.—The term “de-iden-
17 tified data” means consumer car-related data that—

18 (A) has been processed so as to not be
19 linked or reasonably linkable, alone or in com-
20 bination with other information, to an indi-
21 vidual or a device;

22 (B) is in possession of a covered entity,
23 and such covered entity—

24 (i) takes reasonable physical, adminis-
25 trative, and technical measures to ensure

1 that such data cannot be associated with
2 an individual or be used to re-identify an
3 individual or a device reasonably linkable
4 to an individual;

5 (ii) has publicly committed to not
6 process any data described in subpara-
7 graph (A) that is in its possession so as to
8 make such data linked or reasonably
9 linkable, alone or in combination with
10 other information, to an individual or a de-
11 vice; and

12 (iii) contractually obligates any recipi-
13 ent of such data to satisfy the require-
14 ments described in clauses (i) and (ii).

15 (10) DEVICE.—The term “device” means any
16 electronic equipment capable of collecting, proc-
17 essing, retaining, or transferring consumer car-re-
18 lated data, including any such device equipped on a
19 consumer car.

20 (11) PRECISE GEOLOCATION.—The term “pre-
21 cise geolocation” means information that reveals the
22 past or present physical location of an individual,
23 consumer car, or device with sufficient precision to
24 identify—

1 (A) street-level location information of
2 such individual, consumer car, or device; or

3 (B) the location of such individual, con-
4 sumer car, or device within a range of 1,850
5 feet or less.

6 (12) PROCESS.—The term “process”, with re-
7 spect to consumer car-related data, means any oper-
8 ation or set of operations performed, whether by
9 manual or automated means, on such data, includ-
10 ing the use, storage, disclosure, analysis, deletion, or
11 modification of such data.

12 **SEC. 3. RESTRICTING THE COLLECTION AND PROCESSING**
13 **OF CONSUMER CAR-RELATED DATA.**

14 A covered entity may only collect or process consumer
15 car-related data if such collection or processing is reason-
16 ably necessary to—

17 (1) provide or maintain a specific product or
18 service requested by the consumer, including any
19 routine administrative, operational, or account-serv-
20 icing activity, such as billing, shipping, delivery,
21 storage, or accounting;

22 (2) provide a communication (not including an
23 advertisement) to the consumer that a reasonable
24 consumer would anticipate within the context of the

1 relationship between the covered entity and the con-
2 sumer;

3 (3) comply with Federal, State, or local law;

4 (4) comply with a civil, criminal, or regulatory
5 inquiry, investigation, subpoena, or summons by a
6 Federal, State, municipal, or other governmental au-
7 thority;

8 (5) investigate, establish, defend, or prepare for
9 a legal claim that has been filed against the covered
10 entity;

11 (6) perform under a contract to which the con-
12 sumer is a party, including fulfilling the terms of a
13 written warranty;

14 (7) take immediate action to protect an interest
15 that is essential for the life or physical safety of the
16 consumer or another individual, including by effec-
17 tuating a product recall;

18 (8) identify theft, fraud, harassment, a mali-
19 cious or deceptive activity, or any illegal activity tar-
20 geted at or involving the covered entity;

21 (9) investigate, report, or prosecute an indi-
22 vidual responsible for any action described in para-
23 graph (8);

24 (10) preserve the integrity or security of sys-
25 tems of the covered entity;

1 (11) engage in public or peer-reviewed scientific
2 or statistical research in the public interest that ad-
3 heres to all relevant laws and regulations governing
4 such research, and is approved, monitored, and gov-
5 erned by an institutional review board or similar
6 independent oversight entity that determines that—

7 (A) the expected benefits of the research
8 outweigh the privacy risks; and

9 (B) the covered entity has implemented
10 reasonable safeguards to mitigate privacy risks
11 associated with such research, including any
12 risks associated with the identification of a con-
13 sumer;

14 (12) assist another covered entity with any of
15 the obligations under this Act;

16 (13) ensure the security and integrity of con-
17 sumer car-related data;

18 (14) make such data de-identified data; or

19 (15) if such data has been processed to make
20 such data de-identified data—

21 (A) conduct internal research to develop,
22 improve, or repair a product, service, or tech-
23 nology of the covered entity, including through
24 diagnostics, debugging, and repairs;

1 (B) identify and repair technical errors
2 that impair existing or intended functionality of
3 a product, service, or technology of the covered
4 entity; or

5 (C) perform solely internal operations that
6 are reasonably aligned with the expectations of
7 the consumer or reasonably anticipated based
8 on the consumer's existing relationship with the
9 covered entity.

10 **SEC. 4. RESTRICTING THE SHARING OR SELLING OF CER-**
11 **TAIN DATA.**

12 (a) IN GENERAL.—Subject to the succeeding sub-
13 sections of this section, it shall be unlawful for a covered
14 entity to share or sell any consumer car-related data un-
15 less—

16 (1) the covered entity provides the consumer—

17 (A) a notice that—

18 (i) states that the covered entity in-
19 tends to share or sell such data;

20 (ii) is provided in a clear and con-
21 spicuous standalone disclosure that de-
22 scribes each instance the covered entity
23 plans to share or sell such data;

24 (iii) for each specific category of such
25 data, states if the covered entity is sharing

1 or selling such data in order to provide a
2 service requested by the consumer;

3 (iv) is written in easy-to-understand
4 language;

5 (v) is provided in a manner that
6 would be reasonably anticipated by the
7 consumer given the relationship between
8 the consumer and the covered entity; and

9 (vi) is accessible to individuals with
10 disabilities; and

11 (B) an opportunity to explicitly grant af-
12 firmative express consent to allow the covered
13 entity to share or sell such data; and

14 (2) the consumer explicitly grants such affirma-
15 tive express consent.

16 (b) REVOCATION OF CONSENT.—If a consumer
17 grants affirmative express consent to allow a covered enti-
18 ty to share or sell consumer car-related data pursuant to
19 subsection (a)(2), the covered entity shall allow such con-
20 sumer to easily revoke such consent directly through the
21 website or application of the covered entity.

22 (c) RETALIATION PROHIBITED.—

23 (1) IN GENERAL.—A covered entity may not
24 deny a consumer access to a good or service or dis-
25 criminate or retaliate against a consumer for with-

1 holding affirmative express consent under subsection
2 (a)(2) or revoking consent under subsection (b).

3 (2) RETALIATION.—With respect to a consumer
4 withholding affirmative express consent under sub-
5 section (a)(2) or revoking consent under subsection
6 (b), a covered entity shall be considered in violation
7 of paragraph (1) if such covered entity charges a
8 different price or rate for a good or service or pro-
9 vides a different level of quality of a good or service
10 to such consumer compared to the price, rate, or
11 quality the covered entity typically charges or pro-
12 vides to other consumers unless it is reasonably nec-
13 essary for the covered entity to sale or share the
14 consumer’s consumer car-related data in order to
15 provide the good or service or the value of such data
16 is reasonably related to the difference in price or
17 quality of the good or service.

18 (d) EXCEPTION.—Subsection (a) shall not apply to
19 any consumer car-related data a covered entity shares
20 with the National Highway Traffic Safety Administration.

21 (e) PRECISE GEOLOCATION DATA.—It shall be un-
22 lawful for a covered entity to share or sell any data relat-
23 ing to a precise geolocation.

1 **SEC. 5. CONSUMER RIGHTS.**

2 Upon request from a consumer, each covered entity
3 shall provide such consumer—

4 (1) confirmation regarding whether a covered
5 entity is collecting or processing the consumer car-
6 related data of the consumer;

7 (2) access to such data; and

8 (3) if a consumer has provided affirmative ex-
9 press consent to allow a covered entity to share or
10 sell such data pursuant to section 4(a)(2), a list of
11 any third party, other than an individual to which
12 the covered entity has transferred such data.

13 **SEC. 6. REPORTING OF CONSUMER DATA PRIVACY PRAC-**
14 **TICES.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of enactment of this Act and annually thereafter,
17 each covered entity shall submit a report to the Commis-
18 sion regarding their consumer data privacy practices, in-
19 cluding any consumer car-related data that is collected,
20 the purpose of such collection, what entities are being
21 shared or sold such data, and an overview of the data
22 sharing practices of any such entity.

23 (b) FTC REPORT.—Not later than 180 days after the
24 submission of each report under subsection (a), the Com-
25 mission shall submit to Congress and publish on the

1 website of the Commission a report containing a summary
2 of the information described in each such report.

3 **SEC. 7. GUIDANCE OR RULEMAKING REGARDING CAR MAN-**
4 **UFACTURERS ADDRESSING DOMESTIC VIO-**
5 **LENCE ISSUES RELATED TO THEIR APPLICA-**
6 **TIONS.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Commission, in consultation with the Fed-
9 eral Communications Commission and the National High-
10 way Traffic Safety Administration, shall issue guidance or
11 promulgate regulations regarding how car manufacturers
12 can address domestic violence issues related to any appli-
13 cation of a car manufacturer that has the capability to
14 determine the precise geolocation of an individual, con-
15 sumer car, or device.

16 **SEC. 8. ENFORCEMENT.**

17 (a) ENFORCEMENT BY THE COMMISSION.—

18 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
19 TICES.—A violation of this Act or a regulation pro-
20 mulgated under this Act shall be treated as a viola-
21 tion of a rule defining an unfair or deceptive act or
22 practice under section 18(a)(1)(B) of the Federal
23 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

24 (2) POWERS OF THE COMMISSION.—

1 (A) IN GENERAL.—The Commission shall
2 enforce this Act in the same manner, by the
3 same means, and with the same jurisdiction,
4 powers, and duties as though all applicable
5 terms and provisions of the Federal Trade
6 Commission Act (15 U.S.C. 41 et seq.) were in-
7 corporated into and made a part of this Act.

8 (B) PRIVILEGES AND IMMUNITIES.—Any
9 person who violates this Act or a regulation
10 promulgated under this Act shall be subject to
11 the penalties and entitled to the privileges and
12 immunities provided in the Federal Trade Com-
13 mission Act (15 U.S.C. 41 et seq.).

14 (C) AUTHORITY PRESERVED.—Nothing in
15 this subsection shall be construed to limit the
16 authority of the Commission under any other
17 provision of law.

18 (D) RULEMAKING.—The Commission shall
19 promulgate in accordance with section 553 of
20 title 5, United States Code, such rules as may
21 be necessary to carry out this Act.

22 (b) PRIVATE RIGHT OF ACTION.—

23 (1) IN GENERAL.—A consumer whose consumer
24 car-related data has been processed, collected,
25 shared, or sold in violation of this Act may bring a

1 civil action in a court of competent jurisdiction
2 against the covered entity alleged in such violation.

3 (2) RELIEF.—In a civil action brought under
4 paragraph (1) in which the plaintiff prevails, the
5 court may award—

6 (A) damages in an amount of not less than
7 \$5,000 per violation, as adjusted annually to re-
8 flect any increase in the Consumer Price Index,
9 or actual damages, whichever is greater;

10 (B) punitive damages;

11 (C) declaratory or equitable relief; and

12 (D) reasonable attorney's fees and litiga-
13 tion costs.