



**Statement of the
American Alliance for Vehicle Owners' Rights
To the
Subcommittee on Consumer Protection and Commerce
Of the
House Committee on Energy and Commerce
Hearing on
“Promises and Perils:
The Potential of Automobile Technologies”**

May 18, 2021

Good morning, Chair Schakowsky, Ranking Member Bilirakis, and Members of the Consumer Protection and Commerce Subcommittee. The American Alliance for Vehicle Owners' Rights (AAVOR) is pleased to present this statement to the Subcommittee with respect to your hearing on “Promises and Perils: The Potential of Automobile Technologies.” AAVOR respectfully asks that this statement be made a part of the official record of this hearing.

American Alliance for Vehicle Data Access

AAVOR is a voluntary group of diverse stakeholders – consumer protection and privacy advocates, vehicle fleet owners (both light- and heavy-duty), vehicle equipment suppliers, distributors and repair facilities, telematics and fleet management companies, insurers and others – united by our common belief that vehicle owners must control access to the motor vehicle data generated and stored by the motor vehicles they own.

**AMERICAN ALLIANCE FOR VEHICLE OWNERS' RIGHTS
1707 L STREET, N.W.
WASHINGTON, D.C. 20036
WWW.AAVOR.ORG**



AAVOR's Views on the Perils and Promises of Automobile Technologies

AAVOR's comments with respect to the subject of this hearing are not complicated: if competition, consumer protection and consumer choice is not preserved through federal legislation, then the future of advanced automobile technologies will primarily be a "peril." If one set of stakeholders is permitted to monopolize the benefits of these advanced technologies and reduce competition and consumer choice, then these technologies hold little "promise" for vehicle owners.

AAVOR's message to this Subcommittee is straightforward and direct: vehicle owners, not vehicle manufacturers or other stakeholders, must control the data being generated by their motor vehicles and have direct, real-time and bi-directional access to this data. This control and access are fundamental rights that are necessary preconditions to achieving the promise of advanced vehicle technologies -- both now and in the future. Without this control and access, competition disappears, innovation is stifled, prices rise and consumer choice is limited. AAVOR urges this Subcommittee to promote federal legislation to guarantee vehicle owners control of and access to the motor vehicle data generated by the vehicles they own.

Thank you for the opportunity to present this statement at this hearing. If you have questions about AAVOR, vehicle data access, or the current threats to a motor vehicle owners' control of and access to their vehicles' data, please contact Greg Scott of AAVOR at gscott@aavor.org or at 202-297-5123.



AMERICAN ALLIANCE FOR VEHICLE OWNERS' RIGHTS SUPPORTS VEHICLE OWNER CONTROL OF AND ACCESS TO VEHICLE-GENERATED DATA

Diverse Coalition Membership Calls for Right of Vehicle Owners to Secure, Real-Time and Fair Access to Vehicle-Generated Data

VEHICLE-GENERATED DATA AND OWNER RIGHTS:

Vehicle-generated data is the new frontier for the development of future of mobility. Today's connected vehicles (cars, trucks and busses) offer consumers innovative new services, and bring significant downstream business development potential for all stakeholders in the automotive sector, including, but not limited to, navigation (real-time localization/traffic information), infotainment (access to online movies/music), maintenance (fleet management/remote diagnostics/vehicle recovery), insurance (pay-as-you-drive/claim investigation), traffic efficiency (reduced congestion), sustainability (reduced fuel consumption), and safety.

However, this requires the right legal framework, which enables all stakeholders to access data generated by vehicles, starting with individual consumers and fleet owners, and extending through Original Equipment Manufacturers (OEMs), parts suppliers, vehicle repairers, and the other many players across the entire transportation sector. This vehicle-generated data is related to nearly every aspect of the vehicle's operation and has been historically accessed through a physical "on-board diagnostics" (*e.g.*, OBD-II in passenger cars) port. A growing number of vehicles are transitioning to wireless access, bypassing the in-cabin, wired-access port. Increasingly, vehicle owners' access to the data their vehicles generate is being restricted by the technology embedded in the vehicle.

Vehicle-generated data – whether accessed through a wired port or wirelessly -- already provides many benefits to both consumers who own individual cars and companies that own dozens or thousands of vehicles. But these benefits will only be realized if vehicle owners: (1) retain the ability to securely access and control the data their vehicles (and equipment attached to their

**AMERICAN ALLIANCE FOR VEHICLE OWNERS' RIGHTS
1707 L STREET, N.W.
WASHINGTON, D.C. 20036
WWW.AAVOR.ORG**



vehicles) generate, collect and store; (2) without artificial barriers that reduce consumer choice or competition; (3) in real-time through secure, technology-neutral, standards-based, in-vehicle access; and, (4) without obtaining consent from an entity that does not own or lease the vehicle.

COMPETITION IN THE MOBILITY MARKET:

Two significant public policy challenges are on the near-term horizon with respect to owner rights with respect to control of and access to vehicle-generated data: (1) the danger of reduced consumer choice if access to vehicle-generated data is controlled by entities other than the owner or lessee of the vehicle; and, (2) a high risk of reduced competition for mobility services – in fact of vertical monopolization -- if entities that do not own or lease the vehicles – such as vehicle manufacturers or software providers -- are permitted to restrict and control access to vehicle-generated data that is created by the vehicle owner's or lessee's use of a vehicle.

CYBERSECURITY IN MOTOR VEHICLES, INCLUDING CONNECTED AND AUTONOMOUS VEHICLES

There is nothing more important than safety and security when discussing motor vehicles, including securing the data collected and stored by vehicles. Unfortunately, cybersecurity as it relates to these vehicles is often viewed as an "either/or" proposition in terms of vehicle owner rights and data access. It is factually incorrect to posit that data access cannot be provided to vehicle owners due to the need to protect the integrity of a vehicle's data system. In fact, industry standards are already in place that will permit data to be both accessible and controllable by vehicle owners while still ensuring a high level of cyber security.



AAVOR'S POSITION ON CONGRESSIONAL ACTION

The American Alliance for Vehicle Owners' Rights (AAVOR) believes Congress should have the lead role in guaranteeing vehicle owners and lessees access to and control of all data generated, collected and stored by vehicles. AAVOR supports enactment of legislation that safeguards the rights of vehicle owners to:

- securely access and control their vehicle data (including authorizing access by third parties);
- directly, through in-vehicle access, in real-time;
- through a technology-neutral, standards-based, secured interface;
- that provides interoperable and bi-directional communication with the vehicle.

The rights of vehicle owners to control and access the data generated by their vehicles is too important to be left unaddressed by Congress. AAVOR supports bi-partisan, bi-cameral legislative efforts to establish a framework for securing the continued rights of vehicle owners – and entities that secure the express permission of vehicle owners -- to control and access vehicle-generated data on a real-time, secure and competitive basis.

American Bus Association
American Car Rental Association
American Property Casualty Insurance Association
Automotive Service Association
Automotive Recyclers Association
Consumer Action
NAFA Fleet Management Association
National Consumers League
National Vehicle Leasing Association
National Motor Freight Traffic Association
Owner Operator Independent Drivers Association

Allianz Technology
Enterprise Holdings Inc.
Geotab, Inc.
Hertz Corporation
Lytx, Inc.
MiX Telematics
Privacy4Cars
Recall Masters
Safelite Group

**AMERICAN ALLIANCE FOR VEHICLE OWNERS' RIGHTS
1707 L STREET, N.W.
WASHINGTON, D.C. 20036
WWW.AAVOR.ORG**