

JAN 23 2025

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that automakers have
2 begun collecting personal data from drivers' vehicles and are
3 now selling collected information to affiliate companies,
4 insurance partners, data brokers, and other third parties
5 without owner knowledge or consent.

6 The legislature also finds that, according to a report from
7 the New York Times, automakers such as General Motors, Honda,
8 Toyota, and Kia recently began including features in their
9 vehicle-connected mobile applications that trade users' driving
10 behaviors. The existence of data collecting and sharing
11 partnerships between automakers, data brokers, and insurance
12 companies often remains completely unknown to drivers whose data
13 are being collected and sold. Some drivers with vehicles made
14 by General Motors have stated that they were still being tracked
15 even when the tracking feature on their vehicle was turned off.
16 As a result, drivers' insurance rates have increased due to
17 driver data being sold to data brokers and insurance companies.



1 Accordingly, the purpose of this Act is to prohibit
2 automakers from collecting, sharing, or selling driver data to a
3 third party without the express consent of the driver.

4 SECTION 2. Chapter 481B, Hawaii Revised Statutes, is
5 amended by adding a new section to part I to be appropriately
6 designated and to read as follows:

7 "~~S481B-~~ **Sale of driver data without consent; prohibited.**

8 (a) No person, in any manner or by any means, shall collect,
9 share, sell, or offer for sale any driver data that is recorded
10 or collected through any means by a motor vehicle without the
11 explicit consent of the individual who is the owner or lessee of
12 the motor vehicle.

13 (b) For the purposes of this section:

14 "Consent" means the prior express opt-in authorization for
15 a specific use that may be revoked by the individual at any
16 time.

17 "Driver data" means any information related to a person
18 operating a motor vehicle that is collected from a user's
19 interactions with a motor vehicle, which may include:



1 (1) Personal or personally identifiable information and
2 other sensitive details about a user's actions and
3 movements;

4 (2) Patterns of driving behavior, such as speeding,
5 frequent stops, and aggressive braking;

6 (3) Geolocation data, such as vehicle tracking
7 information, routes taken, and location history; and

8 (4) Information about a vehicle's operation and usage
9 patterns, such as frequent driving times, routes, or
10 destinations.

11 "Owner" has the same meaning as defined in section 291C-1.

12 "Sale" means selling, renting, releasing, disclosing,
13 disseminating, making available, transferring, or otherwise
14 communicating orally, in writing, or by electronic or other
15 means, a user's driver data to another business or a third party
16 for monetary or other valuable consideration. "Sale" does not
17 include the releasing, disclosing, disseminating, making
18 available, transferring, or otherwise communicating orally, in
19 writing, or by electronic or other means, a user's driver data
20 for the purpose of responding to an emergency."

21 SECTION 3. New statutory material is underscored.



S.B. NO. 1286

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:





S.B. NO. 1286

Report Title:

Data Privacy; Driver Data; Personal Information; Consumer Protection; Unfair and Deceptive Practices; Motor Vehicles

Description:

Prohibits the collection, sale, or disclosure of any driver data that is obtained by a motor vehicle or other connected car service, feature, or application to any third-party without the explicit consent of the owner or lessee of the vehicle.

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