

AMENDED IN ASSEMBLY JULY 8, 2024

AMENDED IN SENATE APRIL 11, 2024

AMENDED IN SENATE APRIL 1, 2024

SENATE BILL

No. 1394

Introduced by Senator Min

February 16, 2024

An act to add Chapter 6 (commencing with Section 28200) to Division 12 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1394, as amended, Min. Access to ~~remote vehicle technology~~ *connected vehicle service*.

Existing law generally regulates the safety of motor vehicles and the use of certain types of equipment installed in a motor vehicle, and generally makes a violation of these requirements a crime. Existing law provides various protections to persons who are escaping from actual or threatened domestic violence, sexual assault, stalking, human trafficking, and other abuse, including providing for a means to keep the names and addresses of abuse survivors confidential in public records.

This bill would require a vehicle manufacturer *that offers a vehicle for sale, rent, or lease in this state that includes connected vehicle service, as defined, to: (1) ensure that the connected vehicle service can be immediately disabled for a period of at least 48 hours by a driver of the vehicle while that driver is inside the vehicle, as specified; and (2) reenable the connected vehicle service, as specified. The bill would require the driver to submit a connected vehicle service request, as defined, within 48 hours of disabling the connected vehicle service to*

terminate a person's access to ~~remote vehicle technology~~, as defined, upon a completed request from a driver who establishes proof of legal possession of the vehicle, such as a dissolution decree, temporary order, or domestic violence restraining order that awards possession or exclusive use of the vehicle. *connected vehicle service*, and the request would be required to include specified documents that support that the person has committed, or allegedly committed, domestic violence against the driver or an individual in the driver's care. The bill would require the driver to submit specified documentation within 30 days of submission of the request to provide proof of legal possession of the vehicle, including a dissolution decree, temporary order, or domestic violence restraining order that awards possession or exclusive use of the vehicle, as specified. The bill would require a vehicle manufacturer to terminate the person's access to *connected vehicle service* within one business day after the date of receiving the driver's completed request, as specified. The bill would prohibit a vehicle manufacturer from charging a fee to a driver for completing their request to terminate a person's access to ~~remote vehicle technology~~. *connected vehicle service*. The bill would require a vehicle manufacturer, among other things, to establish an efficient, secure, and user-friendly online submission process for requests related to terminating a person's access to ~~remote vehicle technology~~, *connected vehicle service*, as specified, and to ensure that all personal information provided during this process is handled with the utmost security and privacy, adhering to relevant data protection laws and regulations. The bill would also require a vehicle manufacturer to provide a notification inside of a vehicle that is installed with ~~remote vehicle technology~~ *connected vehicle service* that shows if the ~~remote vehicle technology~~ *connected vehicle service* is being used. By establishing new duties on vehicle manufacturers, this bill would expand the general crime applicable to provisions under the Vehicle Code, thereby imposing a state-mandated local program.

The bill would also declare the severability of its provisions.

The bill would make legislative findings and declarations in support of its provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Domestic abuse, stalking, sexual assault, and human
4 trafficking are life-threatening issues that have lasting and harmful
5 effects on individuals, families, and communities.
- 6 (b) Abuse survivors often lack resources when establishing
7 independence from an abuser or may share a car title with an
8 abusive partner, and safe access to an automobile can be a lifeline
9 for an abuse survivor.
- 10 (c) Abusive partners increasingly use technological tools to
11 exercise control over, monitor, and abuse their victims. Cases of
12 technology-enabled stalking and abuse involving vehicles are
13 increasing as automakers include app-connected remote access
14 and digital features. Through these apps, abusive partners are
15 tracking, surveilling, and intimidating abuse survivors through
16 location-tracking and remote-control functions to turn on the
17 ignition, adjust the vehicle's climate, lock doors, turn off electric
18 charging, honk the horn, record video footage and audio, and other
19 means of electronically or remotely controlling the vehicle.
20 Tracking can be viewed in real time, or location history records
21 can be accessed and reviewed at a later time.
- 22 (d) Tracking often occurs unbeknownst to an abuse victim, who
23 may be unaware that the vehicle is app-connected or that an abusive
24 partner has remote access.
- 25 (e) Safeguards within vehicle design and remote access can
26 prevent future abuse, including requiring app-connected and
27 tracking notifications to be designed to provide knowledge of who
28 has vehicular access.
- 29 (f) It is the intent of this act to end stalking and abuse by abusive
30 partners who can access remote vehicle technology.
- 31 SEC. 2. Chapter 6 (commencing with Section 28200) is added
32 to Division 12 of the Vehicle Code, to read:

1 *or any other notification related to the connected vehicle service*
2 *being disabled.*

3 *(v) Upon its use, the method of disabling the connected vehicle*
4 *service causes the connected vehicle service to be disabled for a*
5 *minimum of 48 hours and capable of being reenabled only by the*
6 *vehicle manufacturer pursuant to subparagraph (B).*

7 *(B) Reenable the connected vehicle service under either of the*
8 *following circumstances:*

9 *(i) The registered or legal owner of the vehicle notifies the*
10 *manufacturer that the connected vehicle service was disabled in*
11 *error and a driver has not contacted the vehicle manufacturer to*
12 *provide the information required by subdivision (b) within 48*
13 *hours of the connected vehicle service being disabled.*

14 *(ii) The driver has requested that the connected vehicle service*
15 *be reenabled from the vehicle manufacturer.*

16 *(2) (A) If, for technological reasons, a vehicle manufacturer is*
17 *unable to comply with paragraph (1), the vehicle manufacturer*
18 *shall create a conspicuous mechanism that is easy to use by which*
19 *a driver or the driver's designated person can submit a connected*
20 *vehicle service request.*

21 *(B) A vehicle manufacturer shall disable the connected vehicle*
22 *service within one business day after receiving a connected vehicle*
23 *service request from a driver.*

24 *(b) (1) A driver shall submit a connected vehicle service request*
25 *to a vehicle manufacturer pursuant to subdivision (a) of Section*
26 *28208 within 48 hours of the date on which the driver used the*
27 *method of disabling the connected vehicle service pursuant to*
28 *subdivision (a), which shall include the vehicle identification*
29 *number of the vehicle and a copy of any of the following documents*
30 *that supports that a person has committed, or allegedly committed,*
31 *domestic violence against the driver or an individual in the driver's*
32 *care:*

33 *(A) A signed affidavit from any of the following individuals*
34 *acting within the scope of that person's employment:*

35 *(i) A licensed medical or mental health care provider.*

36 *(ii) A licensed military medical or mental health care provider.*

37 *(iii) A licensed social worker.*

38 *(iv) A victim services provider.*

39 *(v) A licensed military victim services provider.*

40 *(B) A police report.*

1 (C) A statement provided by the police, including military police,
2 to a magistrate judge or other judge.

3 (D) A charging document.

4 (E) A protective or restraining order, including military
5 protective orders.

6 (2) Following the submission of the documentation pursuant to
7 paragraph (1), a driver shall, within 30 days, provide proof of
8 legal possession of the vehicle, such as a dissolution decree,
9 temporary order, or domestic violence restraining order that
10 awards possession or exclusive use of the vehicle, and the vehicle
11 identification number of the vehicle. Legal possession of a vehicle
12 may be established by providing a vehicle title. A court order
13 awarding sole possession or ownership of a vehicle shall take
14 priority over a vehicle title showing joint ownership.

15 (c) A vehicle manufacturer shall terminate a person's access to
16 ~~remote vehicle technology within two business days~~ *the connected*
17 *vehicle service within one business day* after the date of receiving
18 a completed request from a driver who meets the requirements of
19 subdivision (b). A vehicle manufacturer shall not require a driver
20 to provide any information other than what is required in
21 subdivision (b) to establish the ability to terminate a person's access
22 ~~to remote vehicle technology.~~ *connected vehicle service.*

23 ~~(b) A driver shall demonstrate to a vehicle manufacturer the~~
24 ~~ability to terminate a person's access to remote vehicle technology~~
25 ~~by providing proof of legal possession of the vehicle, such as a~~
26 ~~dissolution decree, temporary order, or domestic violence~~
27 ~~restraining order that awards possession or exclusive use of the~~
28 ~~vehicle. Legal possession of a vehicle may be established by~~
29 ~~providing a vehicle title. A court order awarding sole possession~~
30 ~~or ownership of a vehicle shall take priority over a vehicle title~~
31 ~~showing joint ownership.~~

32 (e)

33 (d) A vehicle manufacturer shall notify a driver seeking relief
34 under subdivision ~~(a)~~, (c), in clear and accessible language, that
35 the vehicle manufacturer may contact the driver, or the designated
36 representative of the driver, to confirm a person's access to the
37 ~~remote vehicle technology~~ *connected vehicle service* has been
38 terminated.

39 (e) *This section does not authorize or require a vehicle*
40 *manufacturer to verify ownership of a vehicle, the identity of a*

1 *driver, or the authenticity of information that is submitted by the*
2 *driver.*

3 28204. A vehicle manufacturer shall provide a notification
4 inside of a vehicle that is installed with ~~remote vehicle technology~~
5 *connected vehicle service* that shows if the ~~remote vehicle~~
6 ~~technology~~ *connected vehicle service* is being used.

7 28206. A vehicle manufacturer shall provide information on
8 its internet website and ~~remote vehicle technology applications,~~
9 *connected vehicle service*, in clear and accessible language, on the
10 process of ~~terminating a person's access to remote vehicle~~
11 ~~technology, including, but not limited to, how a driver can~~
12 ~~demonstrate the ability to terminate a person's access to remote~~
13 ~~vehicle technology.~~ *submitting a connected vehicle service request*
14 *and obtaining a new covered connected vehicle service account.*

15 28208. (a) To enhance transparency and communication, a
16 vehicle manufacturer shall establish an efficient, secure, and
17 user-friendly online submission process for requests related to
18 terminating a person's access to ~~remote vehicle technology~~
19 *connected vehicle service* pursuant to Section 28202. This online
20 process shall include all of the following features:

21 (1) Confirmation Email. Upon submission of a request, the
22 vehicle manufacturer shall automatically send a confirmation email
23 to the driver, acknowledging the receipt of the request. This email
24 shall contain a reference number for the request and an outline of
25 the subsequent steps in the process.

26 (2) Action or Resolution Alert. Upon completion of review of
27 the request, the driver shall be informed of the action taken,
28 including the termination of ~~remote vehicle access~~ *connected*
29 *vehicle service* or if additional information or proof is needed. This
30 alert shall clearly state any relevant details or further actions
31 required from the driver.

32 (3) Explanation and Assistance. In the event of a request's
33 approval, the vehicle manufacturer shall provide the driver with a
34 clear explanation and guidance on how to create their own ~~app~~
35 ~~account,~~ *covered connected vehicle service account*, if necessary,
36 to ensure that the driver can maintain control over the ~~vehicle's~~
37 ~~remote technology~~ *connected vehicle service* once the person's
38 access to ~~remote vehicle technology~~ *connected vehicle service* has
39 been terminated.

1 (b) The vehicle manufacturer shall ensure that all
2 communications are clear, concise, and written in accessible
3 language. It is imperative that drivers, particularly those who are
4 abuse survivors, receive support and clear guidance throughout
5 this process.

6 (c) The vehicle manufacturer shall ensure that all personal
7 information provided during this process is handled with the utmost
8 security and privacy, adhering to relevant data protection laws and
9 regulations.

10 28210. A vehicle manufacturer, dealer, or other provider shall
11 not charge a driver a fee for completing the request pursuant to
12 Section 28202.

13 *SEC. 3. The provisions of this act are severable. If any*
14 *provision of this act or its application is held invalid, that invalidity*
15 *shall not affect other provisions or applications that can be given*
16 *effect without the invalid provision or application.*

17 ~~SEC. 3.~~

18 *SEC. 4.* No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.