



California New Car Dealers Association

September 21, 2015

Richard W. Corey
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: TECHNICAL STATUS AND PROPOSED REVISIONS TO ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS AND ASSOCIATED ENFORCEMENT PROVISIONS FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES AND ENGINES

Dear Mr. Corey,

The California New Car Dealers Association (CNCDA) is a statewide trade association that represents the interests of over 1,100 franchised new car and truck dealer members. CNCDA members are primarily engaged in the retail sale and lease of new and used motor vehicles, but also engage in automotive service, repair and part sales. Thank you for the opportunity to provide written comments on the California Air Resources Board (ARB) proposed amendments to on-board diagnostic (OBD) system requirements.

California's new car dealers are the best in the country at selling clean-energy vehicles, and are committed to growing these sales numbers year over year to support the state's goals. While we appreciate ARB's efforts to track emissions data using OBD systems, we would like to express our reservations regarding the proposed edits here at issue.

The proposed revisions have the stated goal of ensuring the integrity of OBD systems. This is undoubtedly a legitimate goal, and CNCDA members understand the reasoning behind tracking emissions-related failures in vehicles. However, the regulations do not address the use of OBD systems to track driver data such as vehicle miles travelled, vehicle speed, driver habits, etc. We write to clearly state that our Association has no issue with the revisions as written, so long as our assumption is correct that the regulations will not be expanded to track specific driver behaviors as opposed to focusing on vehicle emissions failures.

The privacy of individual drivers and the potential to expose driver data to third parties is important to protect. Today's passenger vehicles are the most technologically advanced computers owned by most consumers. The information generated by cars and trucks ranges from wireless connections of mobile devices and applications, to safety technology such as rear-view backup cameras and adaptive cruise control, to turn-by-turn navigation and infotainment systems. Vehicle data can also determine consumers'

driving patterns, such as how fast you drive, how hard you brake, how many miles you drive and how frequently you visit specific locations. This personal vehicle data is too important to grant broad access.

California Vehicle Code Section 9951 already requires disclosure and protects consumers against unauthorized distribution of this information unless a consumer consents. On top of this, automakers have strictly limited access to vehicle data to protect the public's safety and the security of personal information.

Again, since the data specified to be collected in these revised regulations is almost exclusively emissions-based, CNCDA has no objections to the text at issue. However, we want to reiterate that this assessment is based upon the assumption that access to detailed vehicle information does not stray from its stated purpose here of ensuring the integrity of the OBD systems.

CNCDA thanks you for the opportunity to provide comments on the Board's proposed edits to existing regulations. Please contact CNCDA's Director of Legal and Regulatory Affairs, Monica Baumann, at (916) 441-2599 or mbaumann@cncda.org if you have any questions or would like to discuss these our comments further.

Sincerely,



Monica Baumann
CNCDA Director of Legal and Regulatory Affairs