

HOUSE AMENDMENTS TO HOUSE BILL 3152

By COMMITTEE ON BUSINESS AND LABOR

April 16

1 On page 1 of the printed bill, delete lines 6 through 25 and delete page 2 and insert:

2 **“SECTION 2. (1) As used in this section:**

3 **“(a)(A) ‘Authorized integrator’ means a person to which a dealer gives prior express**
4 **written consent to obtain, share, sell, copy, transmit, use, produce, generate or provide**
5 **protected dealer data for the purpose of performing a specific function for the dealer.**

6 **“(B) ‘Authorized integrator’ does not include a manufacturer, distributor or importer or**
7 **any entity that is a subsidiary or affiliate of, or acts on behalf of, a manufacturer, distributor**
8 **or importer.**

9 **“(b) ‘Dealer data system’ means software, hardware or firmware that a dealer owns,**
10 **leases, rents or controls and uses in the dealer’s daily business operations.**

11 **“(c) ‘Prior express written consent’ means a written document, separate and distinct**
12 **from any other correspondence, contract, agreement or other writing a dealer has provided**
13 **to or exchanged with another person, in which a dealer:**

14 **“(A) Provides explicit consent for and identifies all parties to, from or with which a per-**
15 **son may obtain, share, sell, copy, transmit, use, produce, generate or provide protected**
16 **dealer data;**

17 **“(B) Details the nature of, and the scope within which, the person may obtain, share, sell,**
18 **copy, transmit, use, produce, generate or provide protected dealer data;**

19 **“(C) Identifies all applicable provisions of state or federal law that govern the person’s**
20 **obtaining, sharing, selling, copying, transmission, use, production, generation or provision**
21 **of protected dealer data; and**

22 **“(D) Specifies the duration of the consent.**

23 **“(d) ‘Protected dealer data’ means:**

24 **“(A) Any personal data or financial data about a consumer that a dealer generated or**
25 **that the consumer provided to the dealer and that is not otherwise publicly available; and**

26 **“(B) Any other data that a dealer uses in connection with the dealer’s daily business**
27 **operations and stores or maintains in a dealer data system.**

28 **“(2) Unless an authorized integrator is acting in accordance with a federal, state or local**
29 **government law or under a valid court order, the authorized integrator may not:**

30 **“(a) Obtain, share, sell, copy, transmit, use, produce, generate or provide protected**
31 **dealer data without a dealer’s prior express written consent or in any manner that is not**
32 **consistent with the dealer’s prior express written consent;**

33 **“(b) Prohibit a dealer, by means of a contract or other agreement or by taking action**
34 **by technical methods or otherwise, from obtaining, sharing, selling, copying, transmitting,**
35 **using, producing, generating or providing protected dealer data for the dealer’s own pur-**

1 poses;

2 “(c) Charge a fee or place a restriction on a dealer that has the effect of limiting or
3 prohibiting the dealer’s or authorized integrator’s ability to obtain, share, sell, copy, trans-
4 mit, use, produce, generate or provide protected dealer data;

5 “(d) Lock out, deactivate or deny a dealer access to a dealer data system on which the
6 dealer stores or maintains protected dealer data;

7 “(e) Permit another person to obtain, share, sell, copy, transmit, use, produce, generate
8 or provide protected dealer data without a dealer’s prior express written consent; or

9 “(f) Otherwise prohibit, prevent, restrict or limit a dealer’s ownership, possession or use
10 of protected dealer data.

11 “(3) A dealer may withdraw, revoke or amend a prior express written consent:

12 “(a) At the dealer’s sole discretion if the dealer gives 30 days’ prior notice to the person
13 to which the dealer provided the prior express written consent; or

14 “(b) Immediately, for good cause.

15 “SECTION 3. Section 2 of this 2019 Act applies to a contract or other agreement with an
16 authorized integrator that a dealer enters into or renews on or after the effective date of
17 this 2019 Act.”.

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