



2023 SENATE BILL 1033

February 19, 2024 - Introduced by Senators AGARD, PFAFF, ROYS and SMITH, cosponsored by Representatives BILLINGS, CLANCY, SUBECK, SINICKI, STUBBS, EMERSON, OHNSTAD, CONLEY, JOERS, DRAKE and SNODGRASS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to create* 100.535 of the statutes; **relating to:** suspending remote access
2 to motor vehicles upon request from survivors of domestic abuse, human
3 trafficking, and related acts.

Analysis by the Legislative Reference Bureau

This bill creates a requirement that motor vehicle manufacturers suspend a motor vehicle's remote access abilities upon request from survivors of domestic abuse, human trafficking, and related acts. "Remote access" is defined in the bill as a feature of a motor vehicle that allows individuals access to a motor vehicle using the Internet, including the ability to remotely lock and unlock the motor vehicle, start and stop the motor vehicle's engine, adjust temperature settings, and track the motor vehicle's location.

Under the bill, a motor vehicle manufacturer must, within two business days after receiving a completed remote access suspension request, suspend the remote access ability of an abuser to a motor vehicle in the possession of a survivor.

Under the bill, a "survivor" means an individual who is 18 years of age and either 1) against whom a covered act has been committed or allegedly committed or 2) who cares for another individual against whom a covered act has been committed or allegedly committed, provided that the individual providing care did not commit or allegedly commit the covered act. Under the bill, a "covered act" means conduct that constitutes domestic abuse, sexual assault, stalking, or human trafficking. A criminal conviction or any other determination of a court is not required for conduct to be a "covered act." Under the bill, an "abuser" means an individual who committed or allegedly committed a covered act.

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A remote access suspension request under the bill must verify that an individual who has remote access to a motor vehicle in the possession of the survivor has committed or allegedly committed a covered act against the survivor or an individual under the survivor's care by providing either 1) a signed affidavit from a licensed medical or mental health care provider, social worker, victim service provider, or employee of a court, or 2) a copy of a police report, statements provided by police, charging documents, protective or restraining orders, or another official record documenting the covered act.

Under the bill, a motor vehicle manufacturer may not make remote access suspension contingent on any other requirement other than those described above, including payment of a fee and approval of separation by a motor vehicle title holder who is not the survivor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.535 of the statutes is created to read:

2 **100.535 Suspending remote access to motor vehicles for survivors of**
3 **domestic abuse, human trafficking, and related acts. (1) DEFINITIONS.** In this
4 section:

5 (a) "Abuser" means an individual who has committed or allegedly committed
6 a covered act against an individual who seeks relief under this section or an
7 individual in the care of an individual who seeks relief under this section.

8 (b) "Covered act" means conduct that constitutes domestic abuse, as defined in
9 s. 813.12 (1) (am), sexual assault under s. 940.225, 948.02, or 948.025, stalking under
10 s. 940.32, or human trafficking under s. 940.302. A criminal conviction or any other
11 determination of a court is not required for conduct to be a "covered act."

12 (c) "Motor vehicle" means any motor-driven vehicle required to be registered
13 under ch. 341.

14 (d) "Motor vehicle manufacturer" has the same meaning given for
15 "manufacturer" in s. 218.0101 (20).

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1 (e) "Remote access" means a feature of a motor vehicle that allows individuals
2 access to a motor vehicle using the Internet, including through a mobile application.
3 Such access includes the ability to remotely lock and unlock the motor vehicle, start
4 and stop the motor vehicle's engine, adjust temperature settings, and track the motor
5 vehicle's location using global positioning system tracking or comparable technology.

6 (f) "Survivor" means an individual who is 18 years of age or older and one of the
7 following:

8 1. Against whom a covered act has been committed or allegedly committed.

9 2. Who cares for another individual against whom a covered act has been
10 committed or allegedly committed, provided that the individual providing care did
11 not commit or allegedly commit the covered act.

12 (g) "Victim service provider" means a nonprofit corporation or public agency
13 that provides any of the following services to victims of domestic abuse, sexual
14 assault, stalking, or human trafficking:

15 1. Shelter facilities or private home shelter care.

16 2. Advocacy and counseling services.

17 3. A 24-hour telephone service.

18 **(2) SUSPENSION OF REMOTE ACCESS TO A MOTOR VEHICLE.** (a) A motor vehicle
19 manufacturer shall, within 2 business days after receiving a completed remote
20 access suspension request under sub. (4), suspend remote access of the abuser to the
21 motor vehicle in the possession of the survivor.

22 (b) Except as provided in sub. (4), a motor vehicle manufacturer may not make
23 remote access suspension under par. (a) contingent on any requirement, including:

24 1. Payment of a fee, penalty, or other charge.

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1 2. Approval of the suspension by the owner of the motor vehicle, if the owner
2 is not the survivor.

3 3. Payment of an outstanding balance related to the motor vehicle.

4 **(3) OTHER REQUIREMENTS FOR MOTOR VEHICLE MANUFACTURERS.** A motor vehicle
5 manufacturer shall do all of the following:

6 (a) Provide the ability to submit a remote access suspension request through
7 secure and remote means that are easily navigable, provided that remote options are
8 commercially available and technically feasible.

9 (b) When completing a remote access suspension request, allow the survivor
10 to elect the manner in which the motor vehicle manufacturer may contact the
11 survivor, or designated representative of the survivor, in response to the request or
12 notify the survivor, or designated representative of the survivor, of the inability of the
13 motor vehicle manufacturer to complete the remote access suspension.

14 (c) Notify the survivor of the date on which the motor vehicle manufacturer
15 intends to give any formal notice of the remote access suspension to the owner of the
16 motor vehicle, if the owner is not the survivor.

17 (d) Treat any information submitted by a survivor under sub. (4) as confidential
18 and securely dispose of the information not later than 90 days after receiving the
19 information.

20 (e) Make information about options for remote access suspension requests
21 under sub. (4) readily available to consumers on the motor vehicle manufacturer's
22 website and mobile application and in other forms of public-facing consumer
23 communication.

24 **(4) REMOTE ACCESS SUSPENSION REQUEST REQUIREMENTS.** A completed remote
25 access suspension request shall do all of the following:

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1 (a) Verify that an individual who has remote access to the motor vehicle
2 committed or allegedly committed a covered act against the requesting survivor or
3 an individual under the requesting survivor's care, by providing one of the following:

4 1. A copy of a signed affidavit from a licensed medical or mental health care
5 provider, licensed military medical or mental health care provider, licensed social
6 worker, victim service provider, or an employee of a court, acting within the scope of
7 that individual's employment.

8 2. A copy of a police report; statements provided by police, including military
9 police, to magistrates or judges; charging documents; protective or restraining
10 orders; military protective orders; or any other official record that documents the
11 covered act.

12 (b) Verify that the requesting survivor or an individual in the requesting
13 survivor's care is in possession of the motor vehicle.

14 (c) Request relief under sub. (2) (a).

15 **(5) TECHNICAL INFEASIBILITY.** (a) The requirements of sub. (2) do not apply to
16 a motor vehicle manufacturer provider if the covered provider cannot operationally
17 or technically complete a remote access suspension request under this section.

18 (b) If a motor vehicle manufacturer cannot operationally or technically
19 complete a remote access suspension request, the motor vehicle manufacturer shall
20 notify the requesting survivor of the inability within 2 business days after receiving
21 the request.

22 **(END)**