



2023 ASSEMBLY BILL 1135

March 6, 2024 - Introduced by Representatives BILLINGS, CLANCY, SUBECK, SINICKI, STUBBS, EMERSON, OHNSTAD, CONLEY, JOERS, DRAKE and SNODGRASS, cosponsored by Senators AGARD, PFAFF and ROYS. Referred to Committee on Transportation.

AN ACT *to create* 100.535 of the statutes; **relating to:** suspending remote access to motor vehicles upon request from survivors of domestic abuse, human 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

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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.

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:

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

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

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

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

(c) “Motor vehicle” means any motor-driven vehicle required to be registered under ch. 341.

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(d) “Motor vehicle manufacturer” has the same meaning given for “manufacturer” in s. 218.0101 (20).

(e) “Remote access” means a feature of a motor vehicle that allows individuals access to a motor vehicle using the Internet, including through a mobile application. Such access includes 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 using global positioning system tracking or comparable technology.

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

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

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

1. Shelter facilities or private home shelter care.
2. Advocacy and counseling services.
3. A 24-hour telephone service.

(2) SUSPENSION OF REMOTE ACCESS TO A MOTOR VEHICLE. (a) A motor vehicle manufacturer shall, within 2 business days after receiving a completed remote

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access suspension request under sub. (4), suspend remote access of the abuser to the motor vehicle in the possession of the survivor.

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

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

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

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

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

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

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

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

- (d) Treat any information submitted by a survivor under sub. (4) as

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confidential and securely dispose of the information not later than 90 days after receiving the information.

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

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

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

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

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

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

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

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

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

(END)