

## Build Back Better Includes Privacy Killing Measure for Drivers

November 30, 2021 - Joe Biden continues to push for his \$1.75 Trillion Build Back Better (BBB) bill, which is currently stalled in the Senate. The bill is largely a wish list of high-cost social engineering projects and nanny state dreams, not the least of which is a provision to destroy the privacy of drivers. As currently written, the bill would force automobile manufacturers to include a device to spy on drivers when operating their vehicles. And it is so poorly written that nobody really seems to know how pervasive that spying would be.

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The portion of the bill that we're talking about demands that auto manufacturers include devices on their cars to prevent impaired driving. But it doesn't define what "impaired" means or how the devices would work.

Obviously, nobody wants to have impaired drivers on the road. Those who have been convicted of a DUI already have to face the prospect of being ordered to place an ignition lock on their cars which forces them to do a breath test before they can turn the car on. If that was the extent of what was in the BBB it would pose a nuisance to most drivers but we probably wouldn't say that it was some sort of spy device. But that isn't what's in BBB.

The bill doesn't say that the device they are talking about would simply limit a driver's ability to start their vehicle. It would probably leave the definition of "impaired" to be written by some agency like the National Highway Traffic Safety Administration or the NTSB... a bureaucratic organization. And that could be a disaster.

For instance, they could come up with something that requires the car to monitor the driver from the time they enter the vehicle until they exit it. They could define impaired to mean distracted by a passenger (just think of what that would mean for parents) or someone who appears to be sleepy. And they could require the device to shut the car down on the spot if the device decides the driver is impaired. Not the best scenario if you are out on the open road, in the middle of nowhere, and have a car full of kids.

BBB also makes no provision for when the vehicle would be re-enabled. Would you have to notify the police or an insurer. And finally, where is the data collected on your vehicle operation stored, who owns that data and who has access to it? These are huge privacy issues and they are not at all well thought out.

If BBB does become law, manufacturers would have to be ready to install these devices in cars starting with the 2026

model year. With a little luck, the bill will die in the Senate and we'll never have to worry about it though.

by Jim Malmberg

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