

SECOND REGULAR SESSION

# HOUSE BILL NO. 2324

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LUCAS.

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JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 379, RSMo, by adding thereto one new section relating to procurement of driving data by automobile insurers, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 379, RSMo, is amended by adding thereto one new section, to be  
2 known as section 379.1650, to read as follows:

**379.1650. 1. As used in this section, the following terms mean:**

2       **(1) "Driving data", information collected by a vehicle through the vehicle's  
3 telematics system;**

4       **(2) "Insurer", any insurance company, association, or exchange authorized to  
5 issue policies of automobile insurance in this state;**

6       **(3) "Telematics system", a system or device in a vehicle that retrieves data  
7 generated by the vehicle, including the vehicle's global positioning system position,  
8 speed, diagnostic information and vehicle faults, trip distance or time, idling time,  
9 instances of sudden or harsh braking or driving, seat belt use, and fuel consumption.**

10      **2. An insurer shall not purchase or obtain from any third party:**

11      **(1) The driving data of a vehicle insured under a policy of automobile insurance  
12 issued by the insurer without the express, written consent of the owner of the vehicle or  
13 primary driver regardless of how or where the driving data is collected or stored; or**

14      **(2) Any document, report, or analysis based on the driving data of a vehicle  
15 insured under a policy of automobile insurance issued by the insurer. Such document,  
16 report, or analysis shall only be used:**

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           (a) For insurance purposes after obtaining the express, written consent of the  
18 owner of the vehicle; and

19           (b) Upon the insurer's compliance with the privacy laws relating to the storage,  
20 usage, and sharing of the driving data.

21           3. An insurer seeking to sell, share, or otherwise distribute a vehicle's driving  
22 data shall provide to the owner of a vehicle in this state:

23           (1) A disclosure of the types or categories of driving data for the vehicle that will  
24 be collected;

25           (2) A description of how the driving data will be collected;

26           (3) The purpose for collecting the driving data and how such data would be used,  
27 including the potential impact on premiums; and

28           (4) A notice that the driving data from or related to the vehicle shall not be  
29 shared, sold, or otherwise distributed without the express, written consent of the owner  
30 of the vehicle.

31           4. An insurer that collects the driving data after obtaining express, written  
32 consent of the owner of the vehicle shall not sell or share such data with any third party  
33 for purposes unrelated to insurance.

34           5. An insurer shall not deny automobile insurance coverage, cancel the current  
35 automobile coverage, or increase premiums based solely on the owner of the vehicle's  
36 refusal to provide driving data.

37           6. The owner of the vehicle may request copies of any driving data or report or  
38 analysis generated from the driving data that the insurer obtained or collected about  
39 their vehicle by submitting a written request to the insurer.

40           7. The director of the department of commerce and insurance shall have the  
41 authority to:

42           (1) Enforce the provisions of this section; and

43           (2) Impose fines or other civil penalties or take the necessary corrective action  
44 for violations under this section after a hearing conducted in the same manner as a  
45 hearing conducted for the collection of fines and civil penalties or corrective actions  
46 under the insurance laws of this state or by rule adopted or order issued by the director.

47           8. The director of the department of commerce and insurance may promulgate  
48 all necessary rules and regulations for the administration of this section. Any rule or  
49 portion of a rule, as that term is defined in section 536.010, that is created under the  
50 authority delegated in this section shall become effective only if it complies with and is  
51 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
52 section and chapter 536 are nonseverable and if any of the powers vested with the  
53 general assembly pursuant to chapter 536 to review, to delay the effective date, or to

54 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
55 **rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be**  
56 **invalid and void.**

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