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## First Sub. H.B. 357: Amendments to Motor Vehicle Data Privacy

This bill amends the Utah Consumer Privacy Act (UCPA) to apply to all motor vehicle manufacturers. This extends consumer data privacy protections for data collected by all motor vehicle manufacturers, including the right to delete personal data, opt-out from targeted advertising and third-party data sales, and receive privacy notices about motor vehicle data collection.

This bill also requires vehicle manufacturers, beginning with model year 2030, to provide in-vehicle privacy controls that allow a consumer to view, opt-out, and delete personal data collected.

### Background

The UCPA took effect on Dec. 31, 2023, and provides consumers with rights to protect their personal data.

Currently, the UCPA applies to a data controller or processor:

- with an annual revenue of greater than \$25,000,000 **and**
- that controls or processes data from more than 100,000 consumers in a calendar year, or derives more than 50% of its gross sales revenue from the sale of personal data of at least 25,000 consumers.

The key provisions of the UCPA are:

1. A consumer has the right to confirm if a controller is processing their personal data and to access it.
2. A consumer has the right to delete personal data.
3. A consumer has the right to obtain a copy of their personal data.
4. A consumer has the right to opt out of personal data processing for targeting advertising or sale.
5. Beginning July 1, 2026, a consumer has the right to correct their data.

Additionally, controllers and processors under the UCPA must provide consumers with a reasonably accessible and clear privacy notice, including disclosure of consumer rights. This notice must describe the categories of personal data, the purposes for which data are processed, and which categories of data are shared with third parties. If a controller sells personal data or uses it for targeted advertising, it must also inform customers and provide an opt-out.

Controllers have 45 days to respond to a consumer request. They are also prohibited from charging a fee

#### Key Terms

- **Controller:** A person doing business in the state who determines the purposes for which and how personal data are processed, regardless of whether the person makes the determination alone or with others.
- **Processor:** A person who processes personal data on behalf of a controller.
- **Personal data:** Information that is linked or reasonably linked to an identified or identifiable individual; does not include de-identified, aggregated, or publicly available data.
- **Sensitive data:** Personal data that reveals an individual's race, ethnicity, religion, sexual orientation, citizenship, immigration status, medical history, genetic or biometric data, or specific geolocation data.

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associated with a consumer's first request. Controllers can extend the initial 45-day period, but they must inform the consumer. If a controller does not act on a consumer request, they must notify the consumer.

UCPA violations are investigated by the Division of Consumer Protection and enforced by the Attorney General.

## Policy Analysis

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This bill makes all the provisions of the UCPA applicable to motor vehicle manufacturers, regardless of annual sales or revenue. In addition to the consumer protections provided by the UCPA, this bill requires in-vehicle data controls for certain vehicles.

### Key Policy: Motor Vehicle Manufacturer Requirements

Beginning with Model Year 2030, a manufacturer is required to provide easily accessible in-vehicle privacy controls that allow a consumer to:

- View categories of personal data that the vehicle collects
- View categories of third parties with whom the vehicle manufacturer shares personal data
- Opt-out of the sale of personal data or processing for targeted advertising
- Delete readily accessible data

Vehicles that are not technologically capable of providing in-vehicle privacy controls are exempt.

A manufacturer may provide access to privacy controls through a website or mobile application in addition to the in-vehicle privacy controls, but they may not require a consumer to use a website or mobile application to exercise their data privacy rights.

In addition to the 45-day time period for consumer requests under the UCPA, this bill provides that manufacturers must delete data within five business days if required by a court order or a legally issued protective order.

Exemptions for motor vehicle manufacturers include:

- Product improvement data that is internal only and data collection is minimized
- Personal data collected solely for the purpose of vehicle safety, including airbag deployment, collision avoidance, and other safety features required by federal law
- Personal data collected solely for the purpose of vehicle operation, including engine control, transmission operation, or other necessary mechanical functions
- Personal data collected to comply with state or federal laws, rules, and regulations
- Personal data that is processed temporarily and does not transmit outside the vehicle

### Other changes

This bill also requires the DMV to add consumer education to its website regarding data privacy rights of motor vehicle owners.

The bill takes effect January 1, 2027.

#### Key Terms

- **Readily accessible data:** Personal data that a consumer directly inputs into or provides to a motor vehicle from a connected device through the in-vehicle interface and is stored locally on the vehicle and accessible from the in-vehicle interface.
- **In-vehicle interface:** A display screen, control panel, or other interactive system in a motor vehicle through which an individual may access or control vehicle settings or functions.
- **Connected device:** A consumer's mobile phone, tablet, or similar personal electronic device that connects to a motor vehicle through the in-vehicle interface to access the device's applications, contacts, or other data through the vehicle's display.