

**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
Neither for Nor Against to LD 2120:
“An Act to Enable Survivors of Abuse to Disable Connected Vehicle Services”
Thursday, January 22, 2027**

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, on behalf of the Maine Coalition to End Domestic Violence (MCEDV),¹ I am providing information for your consideration in response to LD 2120, “An Act to Enable Survivors of Abuse to Disable Connected Vehicle Services.”

As technology evolves and expands, abusive partners always find a way to use it to further perpetuate their abusive behaviors and create new vulnerabilities and dangers for the people they abuse. This bill proposes to create a pathway for survivors to interrupt and prevent the stalking that happens when the person abusing them has access to their vehicle’s remote technology. Increasingly, survivors of domestic abuse report their abusive partners’ use of car tracking apps to stalk them. These apps can monitor a vehicle’s whereabouts and, in doing so, expose a survivor’s location. This vulnerability is also noted in the February 2025 report of Maine’s Automotive Right to Repair Working Group. The intent of the proposal is sound; this type of protection for survivors is needed.

However, other states, specifically including New York and California, states who are significant drivers of consumer marketplace practices,² have passed stronger laws around the termination of remote access to vehicle information than the process outlined in LD 2120. Survivors in Maine deserve the strongest protections that can be reasonably afforded to them, and the extensive deficiencies in the current draft prevent MCEDV from supporting the bill as presented, despite the real need survivors have for a mechanism to address the risks posed by this kind of information being accessible to their abusive partners. We appreciate that Representative Roberts has been open to discussing amendments as to how to make the proposed law more accessible and effective for survivors, and we look forward

¹ MCEDV’s membership includes the eight regional domestic violence resource centers (DVRCs) across Maine and two culturally specific service providers. In FY2025, **more than 14,000 people** sought and received assistance from Maine’s DVRC’s, which provide 24-hour crisis intervention, emergency sheltering, housing assistance, legal advocacy, child protective advocacy, and other practical assistance to help survivors overcome barriers to achieving safety for themselves and their children as well as consultation for those concerned about them.

² California has the largest share of vehicle purchases than any other state, with 11% of all vehicle purchases in the United States and 29% of all light-use electric vehicle purchases in the United States taking place in California.

to continuing to work with her and this Committee in the coming weeks and months. Below are some of the issues that MCEDV would flag for the Judiciary Committee at this point.

There is a Dissonance Between the Proposed Level of Ownership/Possession Required & the Requirement for Particular Conduct Committed/Status as a Survivor

The proposal in LD 2120 suggests that a survivor can require a covered provider to terminate remote access if two things are true: (1) the survivor has been subjected to certain abusive acts by another person who has access; *and* (2) the survivor is the *sole* owner of the vehicle or has *exclusive* possession. Stronger laws in other states have picked one of those two paths. California's law functionally requires sole ownership or exclusive possession, but it then allows anyone who can prove that to require the manufacturer to sever remote access. The policy principle that law embraces is that anyone who is the sole owner of a vehicle, or at least has exclusive possession of it, has an absolute right to decide if anyone else has access to their location data. The policy embraced by New York's law is more survivor-focused and recognizes the complicated legal and economic entanglements that are often present in relationships where one person is abusing the other, and the law also recognizes the importance of safe transportation to the overall safety and stability needs of survivors and the need to balance the interests and possible harms of the parties involved. The New York law permits survivors of abuse to access a safe vehicle pathway so long as they can demonstrate legal possession, a standard that is lower than exclusive legal possession. For example, a marriage license issued at the time the car was purchased can be used, as, absent a court order to the contrary, the marriage license would demonstrate that both parties have ownership and possession rights to the vehicle.

MCEDV suggests that the best policy does indeed involve combining both approaches, but in a manner that supports greater overall autonomy and informed choice for vehicle owners than LD 2120 currently proposes. Policymakers should create a process that requires termination of remote access to location data both: (1) for anyone who can demonstrate sole ownership or exclusive legal possession; and (2) for survivors of these crime types when they can demonstrate at least legal possession.

Survivors Should Not Have to Prove Sole Ownership or Exclusive Possession

Requiring survivors to have to prove sole ownership or exclusive possession is too restrictive a requirement. Presumably, anyone with sole ownership or exclusive possession should be allowed to seek termination of remote access by others. For a person who then is seeking protection as a result of crimes being committed against them by another person with access, the standard should be lower. Transportation is critical for survivors in Maine, particularly in rural Maine, to address their safety and stability needs, and those of their children. Many survivors, while being co-owners or lawful possessors of the vehicle, will not be sole owners or exclusive possessors. Obtaining the specified court orders could take many months, particularly if those documents are coming from Maine's family courts, even if

only temporary orders. The sole/exclusive requirements additionally might force a survivor into adversarial court proceedings, without legal counsel, on an artificially expedited timeline in order to address a pressing safety and stalking issue.

Separation from an abusive partner is often the most dangerous time for a survivor. Those survivors taking steps to separate, or who have separated to an undisclosed safe location, are particularly vulnerable to the risks that exist from the person abusing them accessing their location data. This is true regardless of whether that abuser has an ownership or possessory interest in the vehicle. In response to domestic violence, Maine laws balance safety and property interests in favor of keeping members of our communities safe. The protection from abuse statute, for example, allows for temporary interruption of both property and parental rights in order to address credible concerns about safety. Policymakers have ensured there are sufficient protections and guardrails in that process to address malice and fraud. Similarly, protections are present in this proposed process, in that a co-owner whose access is restricted gets notice within 3 days. Protections could be strengthened through the creation of an appeals process. New York's law only requires proof of legal possession and allows their Bureau of Motor Vehicles to determine what proofs qualify to demonstrate possession. That is a better approach and will be more user-friendly for survivors in practice. Nothing in the proposal restricts the affected person's access to the car itself, merely access to the connected vehicle services data.

The Law Should Include a Requirement for the Covered Provider to Provide a Means for Any Driver to Disable GPS Tracking from Inside the Vehicle.

The simplest way to protect survivors from unsafe remote access by another person is to require a kill-switch in the vehicle for any driver to access. There is precedent for that requirement. California's safe vehicle access law includes the following language: "**If a vehicle includes connected vehicle location access, a covered provider shall provide a mechanism that can be used by a driver who is inside a vehicle to immediately disable connected vehicle location access.**" This kill-switch requirement is a critical component of making any vehicle with connected vehicle location services safe for a survivor to drive. Having this language, even if an implementation date for it needs to be forward looking,³ means that there is no delay between the moment when a survivor identifies the remote access to vehicle location data as a potential safety concern and the moment when the survivor can safely access their means of transportation. This would give every driver in Maine the ability to determine whether or not this feature is active on any given trip for which they are in the driver's seat. We urge Maine policymakers to consider that, particularly during the period of separation, survivors navigate a mountain of decisions and tasks needed to ensure their safety and stability. While a pathway for a covered provider to remotely sever an abusive person's access to this technology is good and needed policy,

³ This element of the California law has delayed implementation and does not take effect until January 1, 2028.

giving the survivor-driver the ability to disable remote access in the moment each and every time they get into the car is better policy, as is recognized in the law passed in California.

That this feature is already available in some vehicle types that have connected services, and in some vehicle types has been available for several years, leads to the natural conclusion that it should be technically feasible for all vehicle types with connected vehicle services at some reasonable point in the future. MCEDV notes that New York's Safe Vehicle Access Law includes some useful language about how to differentiate between present infeasibility for certain technical requirements and an obligation for the manufacturer to still be helpful and ensure a concerned driver is given information about alternative options for disconnecting/severing remote access. Similar language could be employed here for cars currently in existence, paired with a forward looking requirement for vehicles built on or after a particular date and sold in the State of Maine. Every driver in Maine should be able to choose whether or not their location information is shared on any given trip in their vehicle.

“Covered Acts” Should Reference Maine law instead of federal crimes

The federal crimes outlined in the Violence Against Women Act are narrower than the acts that constitute “abuse” in Maine and for which other Maine statutes provide protections for these same categories of victims. For example: in federal law, “dating violence” only includes “violence,” and “domestic violence” excludes many types of dating relationships, which could unintentionally leave out an important category of survivors. Similarly, the federal definition of stalking is more narrowly defined. Additionally, those who work most closely with survivors in our state, including advocates, attorneys, law enforcement officers and child protection caseworkers are all familiar with the way Maine frames these categories of crimes and would be less familiar with the narrower eligibility that would result from the use of references to federal laws. If an aspect of this process for ensuring safe vehicle access in Maine will require an allegation that certain acts have been committed by one person with access against the person who is seeking to sever that access, that process should utilize the same framework for identifying that conduct as other Maine statutes that attempt to provide protective measures for these categories of vulnerable crime victims.

There are other proposed definitions that should be discussed to ensure that they accurately reflect the policy intention and guard against malicious use of this process. The definition of “abuser” is broad. That will often be appropriate to ensuring that any survivor who needs a particular protection can access it. However, if the process were to recognize that a survivor should only need to be able to demonstrate legal possession, the lack of a requirement for an attestation at some point in the process makes it more likely that the process would be used by abusive partners against their victims. While taking action in an alleged emergency situation should be permissible and encouraged, the statute should call for an attestation at some point in the process if, as recommended, survivors can access the process with only proof of legal possession. Additionally, the definition of “survivor”

currently excludes minors, including minors who drive and emancipated minors. Maine statutes have increasingly recognized that minors are at risk of intimate partner abuse and stalking. Language to add minors and legal guardians acting on behalf of minors should be added.

Emergency Response Should Be Strengthened

If the process will not include a requirement for a means for any driver to disable the GPS tracking from inside the vehicle, the requirements of and access to a response in emergency situations should be strengthened. The current language gives a covered provider absolute discretion as to whether or not to provide any response in an emergency situation. A response from a covered provider could take days, leaving a survivor choosing between unsafe transportation that may reveal their location and safety plans, needing to find alternative transportation, or staying in a bad situation waiting to thread the timeline needle between when a covered provider takes action on their request and when that covered provider will notify the abuser of the action taken. Additionally, many survivor-invoked protections that exist in other areas of Maine law give the survivor a right to a safety action if their request is supported by self-attestation (i.e. protection from abuse orders, employment leave). Other protections can be accessed with a letter of support from a trusted professional, like an advocate, mental or medical health provider, law enforcement, etc. (i.e. lock changes, lease termination).

The Requirements for Notification to Abusers Should Be Reconsidered

The current proposal requires a covered provider to provide notice to any abuser whose access to remote location data is terminated, regardless of whether they have an ownership interest in the vehicle. This creates unnecessary safety risks for survivors. If an abusive person has no ownership interest in the vehicle, there is no reason that that person would need to receive notice that their access to remote location data has been terminated. New York's law only requires notification when the abuser is a co-owner of the vehicle.

The Liability Protections for Covered Providers for Inaction Are Too Broad

The liability protections proposed for covered providers would work to essentially make this law discretionary. If a covered provider were to decide not to respond to a survivor's request to remove remote access, there is no accountability for that failure. While it is important that covered providers be protected for having taken protective actions under this statute in good faith, the language should allow for liability to attach for gross negligence and reckless or willful misconduct. A right of action against a covered provider for failure to act within the statutory timelines or for prohibited disclosures should be considered.

Information on the Introduction & Passage of Safe Vehicle Access Laws

- **June 2024**, New York State passed a safe vehicle access law (amended in 2025). Most provisions of this law took effect on May 15, 2025.
- **September 2024**, California passed a safe vehicle access law. Most provisions of this law took effect on July 1, 2025.
- **March 2025**, the Safe Vehicle Access for Survivors Act was introduced in the U.S. House of Representatives. **The language of this bill mirrors LD 2120.**
- **June 2025**, both Connecticut and Louisiana pass safe vehicle access laws. These laws are now both in effect.
- **February 2026**, proposed safe vehicle access laws are pending in Vermont and Maine and a U.S. Senate bill is being drafted for introduction.

Survivors of domestic abuse and violence and their children will benefit from the Maine Legislature taking steps to address a known and growing safety and security risk. No part of the initial proposal or the modifications suggested above work to eliminate any ownership or possessory interest of an “abuser.” This process only involves removal of remote access to location data. MCEDV looks forward to working with interested parties to further develop a proposal for a process that is more accessible for survivors in Maine and more effectively addresses the identified risks currently presented by an abuser’s remote access to location data.

Thank you for the opportunity to be heard on this important issue.

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We are the Maine Coalition to End Domestic Violence.

