

Part 15
Motor Vehicle Event Data Recorder Act

41-1a-1501 Title.

This part is known as the "Motor Vehicle Event Data Recorder Act."

Enacted by Chapter 189, 2013 General Session

41-1a-1502 Definitions.

As used in this part:

- (1)
 - (a) "Event data" means records of one or more of the following categories of information regarding a motor vehicle that are captured by an event data recorder:
 - (i) whether the vehicle's air bag deployed;
 - (ii) vehicle speed;
 - (iii) vehicle steering performance;
 - (iv) vehicle brake performance or use; or
 - (v) vehicle seatbelt status or use.
 - (b) "Event data" does not include audio and video data.
- (2) "Event data recorder" has the same meaning as defined in 49 C.F.R. Sec. 563.5 as in effect on May 14, 2013.
- (3)
 - (a) "Owner" means:
 - (i) a person having all the incidents of ownership of a motor vehicle, including legal title to the motor vehicle;
 - (ii) a person entitled to possession of a motor vehicle as the purchaser under a security agreement; or
 - (iii) a person entitled to possession of a motor vehicle as a lessee under a written lease agreement if the lease agreement is intended to last for more than three months at its inception.
 - (b) "Owner" does not include a lienholder unless the lienholder gains possession of the motor vehicle because the person entitled to possession of a motor vehicle as the purchaser under a security agreement defaults on the loan.

Enacted by Chapter 189, 2013 General Session

41-1a-1503 Event data recorders -- Retrieval or disclosure of event data.

- (1)
 - (a) Event data that is recorded on an event data recorder:
 - (i) is private;
 - (ii) is the personal information of the motor vehicle's owner; and
 - (iii) except as provided in Subsection (2), may not be retrieved by a person who is not the owner of the motor vehicle.
 - (b) If a motor vehicle is owned by more than one person, only one owner is required to consent to the retrieval or use of the data from a motor vehicle event data recorder.
- (2) Event data that is recorded on an event data recorder may be retrieved, obtained, or used by a person who is not the owner of the motor vehicle in the following circumstances:

- (a) the owner of the motor vehicle or the owner's agent has consented to the retrieval of the data;
 - (b) the data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an automotive technician to diagnose, service, or repair the motor vehicle at the request of the owner or the owner's agent;
 - (c) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;
 - (d) a court or administrative agency having jurisdiction orders the data to be retrieved;
 - (e) a peace officer retrieves the data pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or
 - (f) to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications.
- (3) Except as provided in Subsection (4), a person who has retrieved, obtained, or used event data under Subsection (2) may not release event data that is recorded on an event data recorder.
- (4) A person may release event data that is recorded on an event data recorder in the following circumstances:
- (a) the owner of the motor vehicle or the owner's agent has consented to the release of the data;
 - (b) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;
 - (c) the data is released pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or
 - (d) if the identity of the owner or driver is not disclosed, the data is released to a motor vehicle safety and medical research entity or data processor in order to advance motor vehicle safety, security, or traffic management.
- (5)
- (a) If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting event data and that capability is part of a subscription service, the fact that the event data may be recorded or transmitted shall be disclosed in the subscription service agreement.
 - (b) Notwithstanding the provisions of this section, event data from an event data recorder may be retrieved, obtained, and used by a subscription service provider for subscription services meeting the requirement of Subsection (5)(a).

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41-1a-1504 Effect of ownership transfer on ownership of data.

- (1) Event data on a motor vehicle event data recorder does not become the property of:
- (a) an insurer solely because the insurer succeeds in ownership of a motor vehicle as a result of an accident; or
 - (b) a subsequent purchaser solely because the subsequent purchaser becomes the new owner of the motor vehicle.
- (2) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval or use of the data on a motor vehicle event data recorder as a condition of providing the policy or lease.

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