

**Representative David E. Lifferth** proposes the following substitute bill:

**MOTOR VEHICLE EVENT DATA RECORDERS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David E. Lifferth**

Senate Sponsor: Mark B. Madsen

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicle Act by enacting provisions relating to event data recorders in motor vehicles.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ provides that event data that is recorded on an event data recorder is the personal information of the motor vehicle's owner;
- ▶ provides that, except in certain circumstances, event data that is recorded on an event data recorder may not be retrieved, obtained, or used by a person who is not the owner of the motor vehicle;
- ▶ specifies circumstances when 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;
- ▶ provides that a person who has retrieved, obtained, or used event data that is recorded on an event data recorder may not release that event data except in certain circumstances;
- ▶ provides that if a motor vehicle is equipped with an event data recorder that is



26 capable of recording or transmitting event data and that capability is part of a subscription  
27 service, the fact that the event data may be recorded or transmitted shall be disclosed in the  
28 subscription service agreement;

29       ▶ provides that event data from an event data recorder may be retrieved, obtained, and  
30 used by a subscription service provider for subscription services;

31       ▶ provides that event data on a motor vehicle event data recorder does not become the  
32 property of an insurer solely because the insurer succeeds in ownership of a motor  
33 vehicle as a result of an accident;

34       ▶ provides that event data on a motor vehicle event data recorder does not become the  
35 property of a subsequent purchaser solely because the subsequent purchaser  
36 becomes the new owner of the motor vehicle; and

37       ▶ provides that an insurer or lessor of a motor vehicle may not require an owner to  
38 consent to the retrieval or use of the data on a motor vehicle event data recorder as a  
39 condition of providing the policy or lease.

40 **Money Appropriated in this Bill:**

41       None

42 **Other Special Clauses:**

43       None

44 **Utah Code Sections Affected:**

45 ENACTS:

46       **41-1a-1501**, Utah Code Annotated 1953

47       **41-1a-1502**, Utah Code Annotated 1953

48       **41-1a-1503**, Utah Code Annotated 1953

49       **41-1a-1504**, Utah Code Annotated 1953



51 *Be it enacted by the Legislature of the state of Utah:*

52       Section 1. Section **41-1a-1501** is enacted to read:

53                               **Part 15. Motor Vehicle Event Data Recorder Act**

54                               **41-1a-1501. Title.**

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

56       Section 2. Section **41-1a-1502** is enacted to read:

57 **41-1a-1502. Definitions.**58 As used in this part:59 (1) (a) "Event data" means records of one or more of the following categories of  
60 information regarding a motor vehicle that are captured by an event data recorder:61 (i) whether the vehicle's air bag deployed;62 (ii) vehicle speed;63 ~~§→~~ ~~[(iii) vehicle direction;~~64 ~~— (iv) vehicle location;~~65 ~~— (v) [(iii) ←§ vehicle steering performance;~~66 ~~§→ [(vi)] (iv) ←§ vehicle brake performance or use; or~~67 ~~§→ [(vii)] (v) ←§ vehicle seatbelt status or use.~~68 (b) "Event data" does not include audio and video data.69 (2) "Event data recorder" §→ [means a device or function in a vehicle that records the  
70 vehicle's dynamic, time-series data during the time period just prior to a crash event, including  
71 vehicle speed versus time, or during a crash event, including delta-V versus time, intended for  
72 retrieval after the crash event.] has the same meaning as defined in 49 C.F.R. Sec. 563.5 §→ as in  
72a effect on May 14, 2013 ←§ . ←§73 (3) (a) "Owner" means:74 (i) a person having all the incidents of ownership of a motor vehicle, including legal  
75 title to the motor vehicle;76 (ii) a person entitled to possession of a motor vehicle as the purchaser under a security  
77 agreement; or78 (iii) a person entitled to possession of a motor vehicle as a lessee under a written lease  
79 agreement if the lease agreement is intended to last for more than three months at its inception.80 (b) "Owner" does not include a lienholder unless the lienholder gains possession of the  
81 motor vehicle because the person entitled to possession of a motor vehicle as the purchaser  
82 under a security agreement defaults on the loan.83 Section 3. Section **41-1a-1503** is enacted to read:84 **41-1a-1503. Event data recorders -- Retrieval or disclosure of event data.**85 (1) (a) Event data that is recorded on an event data recorder:86 (i) is private;87 (ii) is the personal information of the motor vehicle's owner; and

88 (iii) except as provided in Subsection (2), may not be retrieved by a person who is not  
89 the owner of the motor vehicle.

90 (b) If a motor vehicle is owned by more than one person, only one owner is required to  
91 consent to the retrieval or use of the data from a motor vehicle event data recorder.

92 (2) Event data that is recorded on an event data recorder may be retrieved, obtained, or  
93 used by a person who is not the owner of the motor vehicle in the following circumstances:

94 (a) the owner of the motor vehicle or the owner's agent has consented to the retrieval of  
95 the data;

96 (b) the data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an  
97 automotive technician to diagnose, service, or repair the motor vehicle at the request of the  
98 owner or the owner's agent;

99 (c) the data is subject to discovery **Ŝ→ in a criminal prosecution or ←Ŝ** pursuant to the  
99a rules of civil procedure in a claim  
100 arising out of a motor vehicle accident;

101 (d) a court or administrative agency having jurisdiction orders the data to be retrieved;

102 (e) a peace officer retrieves the data pursuant to a court order as part of an investigation  
103 of a suspected violation of a law that has caused, or contributed to the cause of, an accident  
104 resulting in damage of property or injury to a person; or

105 (f) to facilitate or determine the need for emergency medical care for the driver or  
106 passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency,  
107 including the retrieval of data from a company that provides subscription services to the owner  
108 of a motor vehicle for in-vehicle safety and security communications.

109 (3) Except as provided in Subsection (4), a person who has retrieved, obtained, or used  
110 event data under Subsection (2) may not release event data that is recorded on an event data  
111 recorder.

112 (4) A person may release event data that is recorded on an event data recorder in the  
113 following circumstances:

114 (a) the owner of the motor vehicle or the owner's agent has consented to the release of  
115 the data;

116 (b) the data is subject to discovery **Ŝ→ in a criminal prosecution or ←Ŝ** pursuant to the  
116a rules of civil procedure in a claim  
117 arising out of a motor vehicle accident;

118 (c) the data is released pursuant to a court order as part of an investigation of a

119 suspected violation of a law that has caused, or contributed to the cause of, an accident  
120 resulting in damage of property or injury to a person; or

121 (d) if the identity of the owner or driver is not disclosed, the data is released to a motor  
122 vehicle safety and medical research entity or data processor in order to advance motor vehicle  
123 safety, security, or traffic management.

124 (5) (a) If a motor vehicle is equipped with an event data recorder that is capable of  
125 recording or transmitting event data and that capability is part of a subscription service, the fact  
126 that the event data may be recorded or transmitted shall be disclosed in the subscription service  
127 agreement.

128 (b) Notwithstanding the provisions of this section, event data from an event data  
129 recorder may be retrieved, obtained, and used by a subscription service provider for  
130 subscription services meeting the requirement of Subsection (5)(a).

131 Section 4. Section **41-1a-1504** is enacted to read:

132 **41-1a-1504. Effect of ownership transfer on ownership of data.**

133 (1) Event data on a motor vehicle event data recorder does not become the property of:

134 (a) an insurer solely because the insurer succeeds in ownership of a motor vehicle as a  
135 result of an accident; or

136 (b) a subsequent purchaser solely because the subsequent purchaser becomes the new  
137 owner of the motor vehicle.

138 (2) An insurer or lessor of a motor vehicle may not require an owner to consent to the  
139 retrieval or use of the data on a motor vehicle event data recorder as a condition of providing  
140 the policy or lease.