

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 relating to an accident;
 - (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;
 - (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; or
 - (g) for purposes of improving motor vehicle safety, security, or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner, passenger, or human driver is not disclosed in connection with the retrieved data.
- (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 in connection with the retrieved data, the data is released for purposes of improving motor vehicle safety, security, or traffic management, including medical research on the human body's reaction to a motor vehicle crash.
- (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).

Amended by Chapter 459, 2019 General Session

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.

Enacted by Chapter 189, 2013 General Session