

**MOTOR VEHICLE EVENT DATA RECORDERS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David E. Lifferth**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the ~~H→ [Traffic Code]~~ Motor Vehicle Act ~~←H~~ 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 that 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 data from an event data recorder may be retrieved, obtained, and used by a subscription service provider pursuant to a subscription agreement if the subscription service provider discloses in the subscription service agreement that



28 the data may be stored and transmitted ~~H→ [;] .~~  
 29 [~~—————→ provides that event data on a motor vehicle event data recorder does not become the~~  
 30 ~~property of the lienholder or insurer solely because the lienholder or insurer~~  
 31 ~~succeeds in ownership of a motor vehicle as a result of an accident;~~  
 32 ~~—————→ provides that an insurer may not condition the payment or settlement of an owner's~~  
 33 ~~claim on the owner's consent to the retrieval or use of the event data on a motor~~  
 34 ~~vehicle event data recorder; and—————~~  
 35 ~~—————→ provides that an insurer or lessor of a motor vehicle may not require an owner to~~  
 36 ~~consent to the retrieval or use of the data on a motor vehicle event data recorder as a~~  
 37 ~~condition of providing the policy or lease.] ←H~~

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 ENACTS:

44 ~~41-1a-1501~~, Utah Code Annotated 1953

45 ~~41-1a-1502~~, Utah Code Annotated 1953

46 ~~41-1a-1503~~, Utah Code Annotated 1953

47 ~~H→ [—41-1a-1504, Utah Code Annotated 1953] ←H~~



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

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

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

52 **41-1a-1501. Title.**

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

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

55 **41-1a-1502. Definitions.**

56 As used in this part:

57 (1) "Event data" means records of one or more of the following categories of

58 information regarding a motor vehicle that are captured by an event data recorder:

59 (a) whether the vehicle's air bag deployed;

60 (b) vehicle speed;

61 (c) vehicle direction;

62 (d) vehicle location;

63 (e) vehicle steering performance;

64 (f) vehicle brake performance or use; or

65 (g) vehicle seatbelt status or use.

66 (2) "Event data recorder" means a device or feature that is installed by the  
67 manufacturer of a motor vehicle for the purpose of capturing or transmitting retrievable event  
68 data.

69 (3) "Owner" means:

70 (a) a person having all the incidents of ownership of a motor vehicle, including legal  
71 title to the motor vehicle, regardless of whether the person lends, rents, or creates a security  
72 interest in the vehicle;

73 (b) a person entitled to possession of a motor vehicle as the purchaser under a security  
74 agreement; or

75 (c) a person entitled to possession of a motor vehicle as a lessee under a written lease  
76 agreement if the lease agreement is intended to last for more than three months at its inception.

77 Section 3. Section **41-1a-1503** is enacted to read:

78 **41-1a-1503. Event data recorders -- Retrieval or disclosure of event data.**

79 (1) (a) Event data that is recorded on an event data recorder:

80 (i) is private;

81 (ii) is the personal information of the motor vehicle's owner; and

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

84 (b) If a motor vehicle is owned by more than one person, ~~H~~→ **[all owners must] only one**  
84a **owner is required to** ←~~H~~ consent to  
85 the retrieval or use of the data from a motor vehicle event data recorder.

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

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

121 transmitted.

122 ~~H→ [Section 4. Section 41-1a-1504 is enacted to read:~~

123 ~~—— 41-1a-1504. Effect of ownership transfer on ownership of data:~~

124 ~~—— (1) Event data on a motor vehicle event data recorder does not become the property of~~  
125 ~~the lienholder or insurer solely because the lienholder or insurer succeeds in ownership of a~~  
126 ~~motor vehicle as a result of an accident.~~

127 ~~—— (2) An insurer may not condition the payment or settlement of an owner's claim on the~~  
128 ~~owner's consent to the retrieval or use of the event data on a motor vehicle event data recorder.~~

129 ~~—— (3) An insurer or lessor of a motor vehicle may not require an owner to consent to the~~  
130 ~~retrieval or use of the data on a motor vehicle event data recorder as a condition of providing~~  
131 ~~the policy or lease.] ←H~~

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Legislative Review Note  
as of 2-7-13 6:59 PM

Office of Legislative Research and General Counsel