

MOTOR VEHICLE EVENT DATA RECORDERS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David E. Lifferth

Senate Sponsor: Mark B. Madsen

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 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;
- ▶ 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 steering performance;

64 (iv) vehicle brake performance or use; or

65 (v) vehicle seatbelt status or use.

66 (b) "Event data" does not include audio and video data.

67 (2) "Event data recorder" has the same meaning as defined in 49 C.F.R. Sec. 563.5 as
68 in effect on May 14, 2013.

69 (3) (a) "Owner" means:

70 (i) a person having all the incidents of ownership of a motor vehicle, including legal
71 title to the motor vehicle;

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

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

76 (b) "Owner" does not include a lienholder unless the lienholder gains possession of the
77 motor vehicle because the person entitled to possession of a motor vehicle as the purchaser
78 under a security agreement defaults on the loan.

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

80 **41-1a-1503. Event data recorders -- Retrieval or disclosure of event data.**

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

82 (i) is private;

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

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

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

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

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

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

95 (c) the data is subject to discovery in a criminal prosecution or pursuant to the rules of
96 civil procedure in a claim arising out of a motor vehicle accident;

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

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

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

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

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

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

112 (b) the data is subject to discovery in a criminal prosecution or pursuant to the rules of
113 civil procedure in a claim arising out of a motor vehicle accident;

114 (c) the data is released pursuant to a court order as part of an investigation of a
115 suspected violation of a law that has caused, or contributed to the cause of, an accident
116 resulting in damage of property or injury to a person; or

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

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

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

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

128 **41-1a-1504. Effect of ownership transfer on ownership of data.**

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

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

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

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