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 Traffic Code 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
the data may be stored and transmitted;
  • provides that event data on a motor vehicle event data recorder does not become the
    property of the lienholder or insurer solely because the lienholder or insurer
    succeeds in ownership of a motor vehicle as a result of an accident;
  • provides that an insurer may not condition the payment or settlement of an owner's
    claim on the owner's consent to the retrieval or use of the event data on a motor
    vehicle event data recorder; and
  • provides that 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.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
ENACTS:
  41-1a-1501, Utah Code Annotated 1953
  41-1a-1502, Utah Code Annotated 1953
  41-1a-1503, Utah Code Annotated 1953
  41-1a-1504, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:
Section 1. Section 41-1a-1501 is enacted to read:

  Part 15. Motor Vehicle Event Data Recorder Act

  41-1a-1501. Title.
  This part is known as the "Motor Vehicle Event Data Recorder Act."
Section 2. Section 41-1a-1502 is enacted to read:

  41-1a-1502. Definitions.
  As used in this part:
  (1) "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:
(a) whether the vehicle's air bag deployed;
(b) vehicle speed;
(c) vehicle direction;
(d) vehicle location;
(e) vehicle steering performance;
(f) vehicle brake performance or use; or
(g) vehicle seatbelt status or use.

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

(3) "Owner" means:
(a) a person having all the incidents of ownership of a motor vehicle, including legal title to the motor vehicle, regardless of whether the person lends, rents, or creates a security interest in the vehicle;
(b) a person entitled to possession of a motor vehicle as the purchaser under a security agreement; or
(c) 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.

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

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, all owners must 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 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 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) 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 the data may be stored and
Section 4. Section 41-1a-1504 is enacted to read:

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 the lienholder or insurer solely because the lienholder or insurer succeeds in ownership of a motor vehicle as a result of an accident.

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

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

Office of Legislative Research and General Counsel