

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



28 the data may be stored and transmitted;

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.

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



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, all owners must 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;

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

93 (c) the data is subject to discovery pursuant to the rules of civil procedure in a claim
94 arising out of a motor vehicle accident;

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

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

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

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

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

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

110 (b) the data is subject to discovery pursuant to the rules of civil procedure in a claim
111 arising out of a motor vehicle accident;

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

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

118 (5) Data from an event data recorder may be retrieved, obtained, and used by a
119 subscription service provider pursuant to a subscription agreement if the subscription service
120 provider discloses in the subscription service agreement that the data may be stored and

121 transmitted.

122 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.

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

Office of Legislative Research and General Counsel