

## HB0127S01 compared with HB0127

~~{deleted text}~~ shows text that was in HB0127 but was deleted in HB0127S01.

inserted text shows text that was not in HB0127 but was inserted into HB0127S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative David E. Lifferth proposes the following substitute bill:

### 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 ~~{Traffic Code}~~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 ~~{that}~~when event data that is recorded on an event data

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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 used by a subscription service provider ~~{pursuant to a subscription agreement if the}~~ for subscription ~~{service provider discloses in the subscription service agreement that the data may be stored and transmitted}~~ services;
- ▶ provides that event data on a motor vehicle event data recorder does not become the property of ~~{the lienholder or}~~ an 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 does not become the property of a subsequent purchaser solely because the subsequent purchaser becomes the new owner of the motor vehicle; 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

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41-1a-1502, Utah Code Annotated 1953

41-1a-1503, Utah Code Annotated 1953

41-1a-1504, Utah Code Annotated 1953

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*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) (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:

(~~f~~~~a~~~~i~~) whether the vehicle's air bag deployed;

(~~f~~~~b~~~~i~~) vehicle speed;

(~~f~~~~c~~~~i~~) vehicle direction;

(~~f~~~~d~~~~i~~) vehicle location;

(~~f~~~~e~~~~v~~) vehicle steering performance;

(~~f~~~~f~~~~v~~) vehicle brake performance or use; or

(~~f~~~~g~~~~v~~) vehicle seatbelt status or use.

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

(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) ~~function in a vehicle that records the vehicle's dynamic, time-series data during the time period just prior to a crash event, including vehicle speed versus time, or during a crash event, including delta-V versus time, intended for retrieval after the crash event.~~~~

(3) (a) "Owner" means:

(~~f~~~~a~~~~i~~) 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~~

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interest in the vehicle:

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

(~~fc~~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.

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~~ 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;

(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

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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~~ (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 ~~pursuant to a subscription agreement if the~~ for subscription ~~service provider discloses in the subscription service agreement that the data may be stored and transmitted~~ services meeting the requirement of Subsection (5)(a).

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

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

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

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

(b) 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) 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.

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### Legislative Review Note

as of 2-7-13 6:59 PM

Office of Legislative Research and General Counsel