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:** Mark B. Madsen

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**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
used by a subscription service provider for subscription services;
   ▪ provides that event data on a motor vehicle event data recorder does not become the
property of an insurer solely because the insurer succeeds in ownership of a motor
vehicle as a result of an accident;
   ▪ provides that 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
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) (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:

(1) whether the vehicle's air bag deployed;
(ii) vehicle speed;
(iii) vehicle direction;
(iv) vehicle location;
(v) vehicle steering performance;
(vi) vehicle brake performance or use; or
(vii) vehicle seatbelt status or use.

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

(2) "Event data recorder" means a device or 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:

(i) a person having all the incidents of ownership of a motor vehicle, including legal title to the motor vehicle;
(ii) a person entitled to possession of a motor vehicle as the purchaser under a security agreement; or
(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, 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
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) (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 for subscription 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.

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

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

(b) 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.