

Regulating Data Recorders in Vehicles

This Act requires manufacturers of new motor vehicles sold or leased in the state that are equipped with one or more recording devices, commonly referred to as “event data recorders (EDR)” or “sensing and diagnostic modules (SDM),” to disclose that fact in the owner’s manual for the vehicle. The Act also prohibits specified data that is recorded on a recording device from being downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under specified circumstances. The bill requires a subscription service agreement to disclose that specified information may be recorded or transmitted as part of the subscription service. This Act applies to all motor vehicles manufactured on or after July 1, 2004.

Submitted as:
California
Chapter 427 of 2003
Status: Enacted into law in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Address Disclosing Event
2 Data Recorders and Sensing and Diagnostic Modules in Motor Vehicles.”

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4 Section 2. [*Disclosing Event Data Recorders and Diagnostic Modules in Motor*
5 *Vehicles.*]

6 (a) A manufacturer of a new motor vehicle sold or leased in this state, which is equipped
7 with one or more recording devices commonly referred to as “event data recorders (EDR)” or
8 “sensing and diagnostic modules (SDM),” shall disclose that fact in the owner’s manual for the
9 vehicle.

10 (b) As used in this section, “recording device” means a device that is installed by the
11 manufacturer of the vehicle and does one or more of the following, for the purpose of retrieving
12 data after an accident:

13 (1) Records how fast and in which direction the motor vehicle is traveling.

14 (2) Records a history of where the motor vehicle travels.

15 (3) Records steering performance.

16 (4) Records brake performance, including, but not limited to, whether brakes were
17 applied before an accident.

18 (5) Records the driver’s seatbelt status.

19 (6) Has the ability to transmit information concerning an accident in which the
20 motor vehicle has been involved to a central communications system when an accident occurs.

21 (c) Data described in subdivision (b) that is recorded on a recording device may not be
22 downloaded or otherwise retrieved by a person other than the registered owner of the motor
23 vehicle, except under one of the following circumstances:

24 (1) The registered owner of the motor vehicle consents to the retrieval of the
25 information.

26 (2) In response to an order of a court having jurisdiction to issue the order.

27 (3) For the purpose of improving motor vehicle safety, including for medical
28 research of the human body's reaction to motor vehicle accidents, and the identity of the
29 registered owner or driver is not disclosed in connection with that retrieved data. The disclosure
30 of the vehicle identification number (VIN) for the purpose of improving vehicle safety, including
31 for medical research of the human body's reaction to motor vehicle accidents, does not constitute
32 the disclosure of the identity of the registered owner or driver.

33 (4) The data is retrieved by a licensed new motor vehicle dealer, or by an
34 automotive technician as defined in [insert citation], for the purpose of diagnosing, servicing, or
35 repairing the motor vehicle.

36 (d) A person authorized to download or otherwise retrieve data from a recording device
37 pursuant to paragraph (3) of subdivision (c), may not release that data, except to share the data
38 among the motor vehicle safety and medical research communities, to advance motor vehicle
39 safety, and only if the identity of the registered owner or driver is not disclosed.

40 (e) (1) If a motor vehicle is equipped with a recording device that is capable of
41 recording or transmitting information as described in paragraph (2) or (6) of subdivision (b) and
42 that capability is part of a subscription service, the fact that the information may be recorded or
43 transmitted shall be disclosed in the subscription service agreement.

44 (2) Subdivision (c) does not apply to subscription services meeting the
45 requirements of paragraph (1).

46 (f) This section applies to all motor vehicles manufactured on or after [July 1, 2004].

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48 Section 3. [*Severability.*] [Insert severability clause.]

49

50 Section 4. [*Repealer.*] [Insert repealer clause.]

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52 Section 5. [*Effective Date.*] [Insert effective date.]