

# **(Regulating) Motor Vehicle Data Recording Devices**

This Act establishes requirements for disclosing and removing “black box” recording devices that are placed in motor vehicles to record information such as the speed of the vehicle, safety belt use, and accident data. The Act directs that a manufacturer of a new motor vehicle sold or leased in this state which is equipped with a recording device commonly referred to as an event data recorder shall disclose by model year 2007 the presence, capacity, and capabilities of the event data recorder in the owner's manual for the vehicle. A motor vehicle dealer shall include within the purchase contract in a clear and conspicuous manner information on the possibility of a recording device.

Submitted as:  
North Dakota  
Chapter 440 of 2005  
Status: Enacted into law in 2005.

## **Suggested State Legislation**

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act may be cited as “An Act to Address Motor Vehicle  
2 Recording Devices.”

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4           Section 2. [*Recording Devices On Motor Vehicles - Disclosure - Removal.*]

5           A. A manufacturer of a new motor vehicle sold or leased in this state which is equipped  
6 with a recording device commonly referred to as an event data recorder shall disclose by [model  
7 year 2007] the presence, capacity, and capabilities of the event data recorder in the owner’s  
8 manual for the vehicle. A motor vehicle dealer shall include within the purchase contract in a  
9 clear and conspicuous manner information on the possibility of a recording device. As used in  
10 this section, an event data recorder means a feature that is installed by the manufacturer of the  
11 vehicle and does any of the following for the purpose of retrieving data:

12                   I. Records the speed of the vehicle and the direction the motor vehicle is  
13 traveling;

14                   II. Records vehicle location data;

15                   III. Records steering performance;

16                   IV. Records brake performance, including whether brakes were applied before an  
17 accident;

18                   V. Records the driver's safety belt status; or

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

21           B. Data recorded on an event data recorder may not be downloaded or otherwise retrieved  
22 by a person other than the owner of the motor vehicle at the time the data is recorded, or through  
23 consent by the owner's agent or legal representative, except under any of the following  
24 circumstances:

25                   I. The data is retrieved for the purpose of improving motor vehicle safety,  
26 including for medical research of the human body's reaction to motor vehicle accidents, and the  
27 identity of the registered owner or driver is not disclosed in connection with that retrieved data.

28 II. The disclosure of the vehicle identification number, with the last four digits  
29 deleted, for the purpose of improving vehicle safety, including for medical research of the human  
30 body's reaction to motor vehicle accidents, does not constitute the disclosure of the identity of  
31 the registered owner or driver.

32 III. A person authorized to download or otherwise retrieve data from a recording  
33 device under this subdivision may not release that data, except to share the data among the motor  
34 vehicle safety and medical research communities to advance motor vehicle safety, and only if the  
35 identity of the registered owner or driver is not disclosed.

36 IV. The data is retrieved by a licensed motor vehicle dealer or by an automotive  
37 technician for the purpose of diagnosing, servicing, or repairing the motor vehicle.

38 V. By stipulation of the parties to the proceeding or by order of the court.

39 C. "Owner" means a person having all the incidents of ownership, including the legal title  
40 of a vehicle regardless of whether the person lends, rents, or creates a security interest in the  
41 vehicle; a person entitled to the possession of a vehicle as the purchaser under a security  
42 agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease  
43 agreement, if the agreement at inception is for a period in excess of [three months].

44 D. A person, including a service or data processor operating on behalf of the person,  
45 authorized to download or otherwise retrieve data from an event data recorder pursuant to  
46 subsection (B) of this section may not release that data except for the purposes of motor vehicle  
47 safety and medical communities to advance motor vehicle safety, security, or traffic  
48 management; or to a data processor solely for the purposes permitted by this subsection and only  
49 if the identity of the owner or driver of the vehicle is not disclosed.

50 E. If a motor vehicle is equipped with a recording device that is capable of recording or  
51 transmitting information relating to vehicle location data or concerning an accident to a central  
52 communications system and that capability is part of a subscription service, the fact that the  
53 information may be recorded or transmitted must be disclosed in the terms and conditions of the  
54 subscription service. Subsection (B) of this Section does not apply to a subscription service the  
55 meets the requirements of this subsection.

56 F. An insurer may not require as a condition of insurability consent of the owner for  
57 access to data that may be stored within an event data recorder and may not use data retrieved  
58 with the owners consent before or after an accident for the purpose of rate assessment.

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60 Section 3. [*Application.*] This Act applies to all motor vehicles manufactured after [July  
61 31, 2005].

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63 Section 4. [*Severability.*] [Insert severability clause.]

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65 Section 5. [*Repealer.*] [Insert repealer clause.]

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67 Section 6. [*Effective Date.*] [Insert effective date.]