

(Regulating) Event Recording Devices in Motor Vehicles

This Act requires disclosure of the existence of certain event recording devices in motor vehicles under certain circumstances and restricts the use of information retrieved from an event data recording device under certain circumstances.

Submitted as:

Nevada

AB 315

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 Require Disclosing Event
2 Recording Devices in Motor Vehicles.”

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Section 2. [*Definitions*.] As used in this Act:

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(1) “Event recording device” means a device which is installed by the manufacturer of a
6 motor vehicle and which, for the purposes of retrieving data after an accident involving the
7 motor vehicle:

8

(a) Records the direction and rate of speed at which the motor vehicle travels;

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(b) Records a history of where the motor vehicle travels;

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(c) Records steering performance;

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(d) Records brake performance, including, without limitation, whether the brakes
12 were applied before an accident;

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(e) Records the status of the driver’s safety belt; or

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(f) If an accident involving the motor vehicle occurs, is able to transmit
15 information concerning the accident to a central communications system.

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(2) “Garage man” has the meaning ascribed to it in [insert citation].

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(3) “New vehicle dealer” has the meaning ascribed to it [insert citation].

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(4) “Owner” means:

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(a) A person having all the incidents of ownership, including the legal title of the
20 motor vehicle, whether or not he lends, rents or creates a security interest in the motor vehicle;

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(b) A person entitled to possession of the motor vehicle as the purchaser under a
22 security agreement; or

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(c) A person entitled to possession of the motor vehicle as a lessee pursuant to a
24 lease agreement if the term of the lease is more than [3 months].

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Section 3. [*Disclosing Information About Event Recording Devices in Motor Vehicles*.]

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(1) A manufacturer of a new motor vehicle which is sold or leased in this state and which
28 is equipped with an event recording device shall disclose that fact in the owner’s manual for the
29 vehicle. The disclosure must include, if applicable, a statement that the event recording device:

30

(a) Records the direction and rate of speed at which the motor vehicle travels;

31

(b) Records a history of where the motor vehicle travels;

32

(c) Records steering performance;

33 (d) Records brake performance, including, without limitation, whether the brakes
34 were applied before an accident;

35 (e) Records the status of the driver's safety belt; and

36 (f) If an accident involving the motor vehicle occurs, is able to transmit
37 information concerning the accident to a central communications system.

38 (2) Except as otherwise provided in this section, data recorded by an event recording
39 device may not be downloaded or otherwise retrieved by a person other than the registered
40 owner of the vehicle. Data recorded by an event recording device may be downloaded or
41 otherwise retrieved by a person other than the registered owner of the vehicle:

42 (a) If the registered owner of the vehicle consents to the retrieval of the data;

43 (b) Pursuant to the order of a court of competent jurisdiction;

44 (c) If the data is retrieved for the purpose of conducting research to improve
45 motor vehicle safety, including, without limitation, conducting medical research to determine the
46 reaction of a human body to motor vehicle accidents, provided that the identity of the registered
47 owner or driver is not disclosed in connection with the retrieval of that data. The disclosure of a
48 vehicle identification number pursuant to this paragraph does not constitute the disclosure of the
49 identity of the registered owner or driver of the vehicle;

50 (d) If the data is retrieved by a new vehicle dealer or a garageman to diagnose,
51 service or repair the motor vehicle; and

52 (e) Pursuant to an agreement for subscription services for which disclosure
53 required by subsection 4 has been made.

54 (3) A person who retrieves data from an event recording device pursuant to subsection 2
55 (c) shall not disclose that data to any person other than a person who is conducting research as
56 specified in that subsection.

57 (4) If a motor vehicle is equipped with an event recording device that is able to record or
58 transmit any information described in this Act and that ability is part of a subscription service for
59 the motor vehicle, the fact that the information may be recorded or transmitted must be disclosed
60 in the agreement for the subscription service.

61 (5) Any person who violates the provisions of this section is guilty of a misdemeanor.

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63 Section 4. The provisions of this Act apply to all motor vehicles that are manufactured on
64 or after [January 1, 2006].

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66 Section 5. [*Severability.*] [Insert severability clause.]

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68 Section 6. [*Repealer.*] [Insert repealer clause.]

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70 Section 7. [*Effective Date.*] [Insert effective date.]