



January 25, 2005

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Representative Jim Keane  
Chair, Business and Labor Committee  
Montana House of Representatives  
P.O. Box 200400  
Helena, MT 59620

Dear Rep. Keane:

The Association of International Automobile Manufacturers, Inc. (AIAM) submits these comments on HB 322 for your consideration. AIAM is a trade association representing 14 international motor vehicle manufacturers who account for 40 percent of all passenger cars and 20 percent of all light trucks sold annually in the United States.<sup>1</sup>

AIAM is concerned with the provision in HB 322 that would prohibit the sale by motor vehicle dealers in Montana of motor vehicles with event data recorders (EDRs) that do not have the capability of being deactivated by the vehicle owner. Although not all vehicles have EDRs, most newer light vehicles with advanced safety and engine management systems will monitor the functioning of these systems by recording some operating parameters. These systems are typically not designed with the capability of turning the recording function off and on and attempting to do so could impact the proper functioning of important vehicle safety and engine management systems. Accordingly, we request that the provisions in Section 1 of the bill regarding deactivation be removed.

Individually enacted and potentially varying state EDR laws that would affect the design of motor vehicles by specifying how an EDR must function would present a substantial burden on manufacturers. The National Highway Traffic Safety Administration (NHTSA) is in the process of developing a regulation for vehicles equipped with EDRs that would establish minimum requirements for EDRs. It is anticipated that this Federal Regulation will be issued sometime later this year. Federal law prohibits the states from adopting or enforcing requirements that differ from

<sup>1</sup> AIAM members include Aston Martin, Ferrari, Honda, Hyundai, Isuzu, Kia, Maserati, Mitsubishi, Nissan, Peugeot, Renault, Subaru, Suzuki and Toyota. AIAM also represents original equipment suppliers and other automotive-related trade associations. AIAM members have invested over \$26 billion in U.S.-based production facilities, have a combined domestic production capacity of 2.8 million vehicles, directly employ 75,000 Americans, and generate an additional 500,000 U.S. jobs in dealerships and supplier industries nationwide. For more information, visit our website at [www.aiam.org](http://www.aiam.org).





the Federal standard regarding the same aspect of vehicle performance. Although the precise terms of the NHTSA final rule will not be known for several months, we believe that there is a substantial likelihood that HB 322, section 1, would conflict with the Federal standard and therefore be preempted.

AIAM would be pleased to work with the committee to provide additional information regarding the functioning of EDRs. Should you have any questions or require further information, please contact Michael Cammisa, AIAM Director of Safety, at 703-247-2105.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy C. MacCarthy". The signature is written in a cursive style and is positioned above the printed name.

Timothy C. MacCarthy  
President and CEO

# DEE

*"Your DEEpendable Dealer"*

**MOTOR COMPANY**

*Chevrolet • Pontiac • Cadillac  
Chrysler • Dodge • Jeep*

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Toll Free 1-800-824-7852

Email: [Dee-Motor.Company@gmaccess.com](mailto:Dee-Motor.Company@gmaccess.com)

To Whom It May Concern:

Dee Motor has existed in Anaconda since 1946. We are a new and used dealer and full service transportation center.

We are opposed to this house bill #322 in its entirety.

Sincerely,



Bill Dee, Dealer, Dee Motor Company





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January 25, 2005

House Business & Labor Committee  
c/o MADA Office

Dear Sirs:

This letter is to record my stand in opposition to House Bill 322 introduced by Roger Koopman of Bozeman. The language in the bill to have some kind of "magic switch" to turn off the event data recorder is not possible to engineer on a state level.

Today's modern vehicles have between 8 and 18 onboard computers that are ALL interlinked and work together to record engine data, temperature, speed, acceleration, tail pipe emissions etc. There is no single, independent, "data recorder" to turn off. It is not technically possible. This legislation would have to be presented on a national basis, and all the car manufacturers would have to totally redesign their systems.

I personally believe that people should be accountable for their actions. If they are speeding and injure someone, there is nothing wrong with recording those facts so there can be a fair trial. I feel that this kind of data will prove as many people innocent, as it would prove guilty. The facts are nothing that we should be afraid to reveal if we want justice!

Today's vehicles have extremely complicated electronics and emission systems. If this bill were to pass, it would simply not be possible to comply. It could, in fact, prevent us from being able to legally sell any new vehicles at our dealerships! It could even force us to close our business, which employs 105 families in the Bozeman area.

I have spoken to Roger Koopman about the problems and impossibilities with this bill. I have been told by his wife that he recognizes the problems, and has asked to take the "event data recorder" wording out of the bill. This letter stands on file, just in case that did not happen.

Thank you for your time.

Sincerely,

Joe Billion

Tel: (406) 582-7777 • Fax (406) 582-7778 • WWW.BILLIONDEAL.COM

1919 West Main Street • Bozeman, Montana • 59718

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BILLINGS, MONTANA 59108-0605  
www.bilingsford.com



January 25, 2005

To: Montana House Business and Labor Committee

Re: House Bill 322

Please be advised that the above bill is detrimental to the automobile dealer's free trade agreement. This bill would cause undue constraints on the marketing and repair of the vehicles so equipped and cause potential adverse legal ramifications to the dealer.

The auto dealer should not be responsible for any manufacturer's products that are approved by the National Highway Traffic Safety Administration (NHTSA) and the Department of Transportation.

We go on record that we are in opposition to this bill in its entirety.

Sincerely,

Garry A. Brayko  
President  
Archie Cochrane Motors, Inc.

# **Jim Taylor**

**CHEVROLET**

**PONTIAC**

Oldsmobile

**GMC**

January 25, 2005

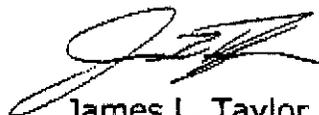
Montana Automobile Dealers Association  
501 N Sanders  
Helena, MT 59601

Fax: 406.449.0119

To the House Business and Labor Committee  
Montana State Legislature

We, as automobile dealers in the state of Montana, are directly opposed to the passage of House Bill 322 and most specifically to Section 1 of the bill as it is presented by Representative Roger Koopman.

Sincerely,



James L. Taylor  
CEO/Pres of Corp.



4100 10th Avenue South • Great Falls, MT 59405

(406) 727-0380

January 25, 2005

Montana Automobile Dealers Association  
501 N Sanders  
Helena, MT 59601

Fax: 406.449.0119

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Montana State Legislature

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Sincerely,

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James L. Taylor  
CEO/Pres of Corp.



Providing Montanans Credit One Car at a Time

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January 25, 2005

Montana Automobile Dealers Association  
501 N Sanders  
Helena, MT 59601

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Sincerely,

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James L. Taylor  
CEO/Pres of Corp.

3843 10th Ave. S.  
Great Falls, MT 59405  
761-4495  
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