SENATE JUDICIARY
Exhibit No. 8
Date 1-24-07
Bill No. SB 283

HOUSE BILL NO. 421

INTRODUCED BY R. KOOPMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE USE OF EVENT DATA RECORDERS IN MOTOR VEHICLES AND REGULATING THE DATA THEY COLLECT; PROVIDING DEFINITIONS; ALLOWING RETRIEVAL OF DATA FROM EVENT DATA RECORDERS ONLY UNDER CERTAIN CIRCUMSTANCES AND BY CERTAIN INDIVIDUALS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Event data recorder -- definitions -- retrieval of data.** (1) For the purposes of this section, the following definitions apply:

(a) (i) "Event data recorder" means a feature that is installed by the manufacturer of a motor vehicle and that does one or more of the following for the purpose of capturing data for retrieval after a crash:

(A) records vehicle speed and direction;

(B) records vehicle location data;

(C) records vehicle steering performance;

(D) records vehicle brake performance, including whether brakes were applied before a crash;

(E) records the driver's seatbelt status; and

(F) has the ability to transmit information concerning a crash in which the motor vehicle has been involved to a central communications system when a crash occurs.

(ii) The term also includes features commonly known as sensing and diagnostic modules.

(b) "Owner" means:

(i) a person who has all the incidents of ownership, including the legal title of a vehicle, whether or not the person lends, rents, or creates a security interest in the vehicle; or

(ii) a person who is entitled to the possession of a vehicle as a lessee pursuant to a written lease agreement if the agreement at its inception is for a period of more than 3 months.

(2) Except as provided in subsection (4)(b), data described in subsection (1)(a) that is recorded on an event data recorder may be retrieved by a person other than the owner of the motor vehicle only:

(a) if the owner of the motor vehicle or the owner's agent or legal representative consents in writing to retrieval of the information;

(b) upon authority of a district court, based on a compelling state interest;

(c) for the purpose of improving motor vehicle safety, security, or traffic management, including medical research of the human body's reaction to motor vehicle crashes, and if the identity of the owner or driver is not disclosed in connection with that retrieved data. For the purposes of this subsection (2)(c), the disclosure of the vehicle identification number with the last four digits deleted does not constitute disclosure of the identity of the owner or driver.

(d) if the data is retrieved by a licensed new motor vehicle dealer or by an automotive technician solely for the purpose of diagnosing problems or servicing or repairing the motor vehicle; or

(e) if the data is retrieved for the purpose of determining the need for or facilitating emergency medical response by revealing the location of a motor vehicle crash.

(3) A person who is authorized to retrieve data from an event data recorder under subsection (2)(c) or a data processor or other person acting on the authorized person's behalf may release the retrieved data only when the identity of the owner or driver is not disclosed and when:

(a) the data will be used by motor vehicle safety and medical research entities for advancement of motor vehicle safety, security, or traffic management; or

(b) the data is released to a data processing entity solely for the purposes provided in this subsection (3).

(4) (a) If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting the information described in subsection (1)(a) and if that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement.

(b) The provisions of subsection (2) do not apply to subscription services meeting the requirements of subsection (4)(a).

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 61, chapter 4, part 1, and the provisions of Title 61, chapter 4, part 1, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

1 NEW SECTION. **Section 4. Applicability.** [This act] applies to all motor vehicles manufactured 1 year
2 or more after [the effective date of this act].
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