

HOUSE BILL NO. 345

INTRODUCED BY D. ZOLNIKOV

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A BILL FOR AN ACT ENTITLED: "AN ACT REGARDING EVENT DATA RECORDERS; REQUIRING AUTO MANUFACTURERS TO DISCLOSE TO CONSUMERS THAT A NEW VEHICLE IS EQUIPPED WITH AN EVENT DATA RECORDER; LIMITING RETRIEVAL OF DATA; REQUIRING SUBSCRIPTION SERVICES TO DISCLOSE THAT CRASH-RELATED DATA MAY BE RECORDED OR TRANSMITTED; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Definitions.** As used in this part the following definitions apply:

- (1) "Event data recorder" has the meaning provided in 49 CFR 563.5.
- (2) "Owner" means:
  - (a) a person having all the incidents of ownership, including the legal title, of a motor vehicle regardless of whether the person lends, rents, or creates a security interest in the motor vehicle;
  - (b) a person entitled to possession of a motor vehicle as the purchaser under a security agreement; or
  - (c) a person entitled to possession of a motor vehicle as a lessee pursuant to a written lease agreement if the agreement at inception is for a period in excess of ~~3~~ 6 months.

NEW SECTION. **Section 2. Disclosure of event data recorder.** A manufacturer of a new motor vehicle sold or leased in this state that is equipped with an event data recorder shall make the disclosures provided in 49 CFR 563.11.

NEW SECTION. **Section 3. Data not to be downloaded -- exceptions.** Data that is recorded on an event data recorder may not be downloaded or otherwise retrieved by a person other than an owner of the motor vehicle at the time the data is accessed, except under one of the following circumstances:

- (1) the owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information;
- (2) upon authority of a court or other judicial or administrative authority having jurisdiction;



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

6 (4) the data is retrieved by a licensed new motor vehicle dealer or by an automotive technician for the  
7 purpose of diagnosing, servicing, or repairing the motor vehicle; or

8 (5) the data is retrieved for the purpose of determining the need for or facilitating emergency medical  
9 response in the event of a motor vehicle crash.

10  
11 **NEW SECTION. Section 4. Data not to be released -- exceptions.** A person, including a service or  
12 data processor operating on behalf of the person, authorized to download or otherwise retrieve data from an  
13 event data recorder pursuant to [section 3] may release that data only:

14 (1) for the purposes of motor vehicle safety and medical research communities to advance motor vehicle  
15 safety, security, or traffic management; or

16 (2) to a data processor solely for the purposes permitted by this section and only if the identity of the  
17 owner or driver is not disclosed.

18  
19 **NEW SECTION. Section 5. Recording or transmitting data elements.** (1) If a motor vehicle is  
20 equipped with an event data recorder that is capable of recording or transmitting the data elements provided in  
21 49 CFR 563.7 and that capability is part of a subscription service, the fact that the information may be recorded  
22 or transmitted must be disclosed in the subscription service agreement.

23 (2) [Section 3] does not apply to subscription services meeting the requirements of subsection (1).

24  
25 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified  
26 as an integral part of Title 61, and the provisions of Title 61 apply to [sections 1 through 5].

27  
28 **NEW SECTION. Section 7. Effective date.** [This act] is effective January 1, 2016.

29 - END -