

SENATE BILL NO. 209

INTRODUCED BY M. ROSENDALE, D. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE USE OF VEHICLE EVENT DATA RECORDERS; CLARIFYING OWNERSHIP OF VEHICLE EVENT DATA AND THE OWNERSHIP OF VEHICLE DATA UPON TRANSFER OF A VEHICLE; AUTHORIZING A COURT TO ORDER PRODUCTION OF VEHICLE DATA WITH A SEARCH WARRANT; AND PROVIDING FOR THE RELEASE OF VEHICLE EVENT DATA IN CERTAIN CASES."

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

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4], the following definitions apply:

- (1) "Event data recorder" has the meaning provided in 49 C.F.R 563.5 as in effect on October 1, 2011.
- (2) "Owner" means a person:
 - (a) in whose name a motor vehicle is registered or titled;
 - (b) who leases a motor vehicle for at least 3 months;
 - (c) who is entitled to possession of a motor vehicle as the purchaser under a security agreement; or
 - (d) who is the attorney in fact, conservator, or personal representative for a person described in subsection (2)(a) through (2)(c).

NEW SECTION. **Section 2. Ownership of recorded data.** Except as provided in [section 4], the data on a motor vehicle event data recorder is exclusively owned by the owner OR OWNERS of the motor vehicle and may not be retrieved or used by any person other than ~~the~~ AN owner of the motor vehicle without the written consent of ~~the~~ AN owner. ~~If a motor vehicle is owned by more than one person, all owners must consent to the retrieval or use of the data from a motor vehicle event data recorder.~~

NEW SECTION. **Section 3. Effect of vehicle ownership transfer on ownership of data -- prohibited insurer and lessor actions.** (1) Data on a motor vehicle event data recorder does not become the property of a lienholder or insurer solely because the lienholder or insurer succeeds in ownership of a motor vehicle as a



1 result of an accident.

2 (2) An insurer may not condition the payment or settlement of an owner's claim on the owner's consent
3 to the retrieval or use of the data on a motor vehicle event data recorder.

4 (3) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval or use
5 of the data on a motor vehicle event data recorder as a condition of providing the policy or lease.

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7 **NEW SECTION. Section 4. Retrieval or use of data -- exceptions.** (1) Data from a motor vehicle
8 event data recorder may be retrieved or used without the consent of the owner:

- 9 (a) if a court orders the production of the data pursuant to a valid search warrant; ~~or~~
- 10 (b) to facilitate or determine the need for emergency medical care for the driver or passenger of a motor
11 vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a
12 company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security
13 communications systems; OR

14 (C) BY ORDER OF THE DISTRICT COURT PROVIDED THAT THE OWNER HAS NOTICE AND 48 HOURS TO OBJECT AND
15 REQUEST A HEARING.

16 (2) [Sections 1 through 4] do not apply to data that is stored or transmitted pursuant to a subscription
17 service agreement for the use of a recording device to record a history of where a motor vehicle travels or for the
18 transmission of data to a central communications system.

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20 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified
21 as an integral part of Title 61, and the provisions of Title 61 apply to [sections 1 through 4].

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