



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:

**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).

**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 an owner of the motor vehicle without the written consent of an owner.

**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 result of an accident.

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

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

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

(a) if a court orders the production of the data pursuant to a valid search warrant;

(b) to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications systems;

(c) by order of the district court provided that the owner has notice and 48 hours to object and request a hearing; or

(d) for the purposes of improving motor vehicle safety, security, or traffic management and provided that the identity of the owner or driver is not disclosed in connection with that retrieved data. For purposes of this subsection (1)(d), the disclosure of the vehicle identification number with the last 6 digits deleted does not constitute disclosure of the identity of the owner or driver.

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

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

**Section 6. Coordination instruction.** If both [this act] and House Bill No. 345 are passed and approved, then House Bill No. 345 is void.

- END -

I hereby certify that the within bill,  
SB 0209, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

SENATE BILL NO. 209

INTRODUCED BY M. ROSENDALE, D. ZOLNIKOV

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