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HOUSE BILL NO. 697

Offered January 14, 2004

Prefiled January 13, 2004

A *BILL to amend the Code of Virginia by adding in Article 10 of Chapter 10 of Title 46.2 a section numbered 46.2-1088.4, relating to event data recorders.*

Patron—Morgan

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 10 of Chapter 10 of Title 46.2 a section numbered 46.2-1088.4 as follows:

§ 46.2-1088.4 Event data recorders; disclosure.

A. A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one or more recording devices commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), shall disclose that fact in the owner's manual for the vehicle.

B. As used in this section, "recording device" means a device that is installed by the manufacturer of the vehicle and does one or more of the following, for the purpose of retrieving data after an accident:

1. Records the speed of the motor vehicle and the direction in which it is traveling;

2. Records a history of where the motor vehicle travels;

3. Records steering performance;

4. Records brake performance, including, but not limited to, whether brakes were applied before an accident;

5. Records the driver's seatbelt status; or

6. Has the ability to transmit information concerning an accident in which the motor vehicle has been involved to a central communications system when an accident occurs.

C. Data described in subsection B that is recorded on a recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under one of the following circumstances:

1. The registered owner of the motor vehicle consents to the retrieval of the information;

2. In response to an order of a court of competent jurisdiction;

3. For the purpose of improving motor vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, and the identity of the registered owner or driver is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number (VIN) for the purpose of improving vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, does not constitute the disclosure of the identity of the registered owner or driver; or

4. The data is retrieved by a licensed new motor vehicle dealer, or by an automotive repair facility, as defined in § 59.1-207.2, for the purpose of diagnosing, servicing, or repairing the motor vehicle.

D. A person authorized to download or otherwise retrieve data from a recording device pursuant to subdivision C 3 may not release that data, except to share the data among the motor vehicle safety and medical research communities, to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

E. If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information as described in subdivision B 2 or B 6 and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the subscription service agreement. Subsection C shall not apply to subscription services meeting this requirement.

F. This section applies to all motor vehicles manufactured on or after July 1, 2004.

INTRODUCED

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