

EVENT DATA RECORDERS DRAFT LEGISLATION

A BILL to amend the Code of Virginia by adding a section numbered 46.2-1532.2, relating to sale or lease of motor vehicles; disclosures; event data recorders.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1532.2 as follows:

§ 46.2-1532.2. Certain disclosures required by manufacturers and distributors; event data recorders.

A. As used in this section:

1. "Owner" means a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, provided such agreement at inception is for a period in excess of three (3) months.

2. "Event data recorder" or "EDR" means either a feature that is installed by the manufacturer of the vehicle, or an aftermarket device that is attached to the vehicle, which does one or more of the following:

- a. Records vehicle speed and/or 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; or
- 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.

B. A manufacturer of a new motor vehicle sold or leased in this Commonwealth that has installed on that vehicle one or more recording devices commonly referred to as an "event data recorder" or "EDR" shall disclose that fact in the owner's manual for the vehicle.

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C. Data described in subdivision A 2 that is recorded on an EDR 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 any one or more 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;
3. For the purpose of improving motor vehicle safety, security or traffic management, including for medical research of the human body's reaction to motor vehicle crashes, and provided that the identity of the owner or driver is not disclosed in connection with that retrieved data. For the purposes of this subsection, the disclosure of the vehicle identification number (VIN) with the last four digits deleted does not constitute the disclosure of the identity of the owner or driver;
4. The data is retrieved by a licensed new motor vehicle dealer, or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle;
5. The data is retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash; or
6. The data is retrieved for insurance underwriting or rating, provided that the primary named insured has consented to the retrieval of the data.

D. A person, including a service or data processor operating on behalf of such person, authorized to download or otherwise retrieve data from an EDR pursuant to subdivision C 3, may not release that data, except: (i) for the purposes of motor vehicle safety and medical research communities to advance motor vehicle safety, security, or traffic management; or (ii) to a data processor solely for the purposes permitted by this subsection, and only if the identity of the owner or driver is not disclosed.

E. 1. If a motor vehicle is equipped with an EDR that is capable of recording or transmitting information as described in subdivision B 2 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.

1 2. Subsection C does not apply to subscription services meeting the requirements of
2 subdivision E 1.

3 F. The provisions of this section apply to all motor vehicles manufactured on or after
4 July 1, 2007.