House Bill 2568

Sponsored by Representative GALIZIO; Representatives BARKER, BEYER, BONAMICI, BUCKLEY, GELSER, HOLVEY, RILEY, ROSENBAUM, SHIELDS, TOMEI, Senator BURDICK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires seller of new motor vehicle to give purchaser written notice disclosing presence of motor vehicle event data recorder in motor vehicle and type of data that is recorded, stored or transmitted.

Provides that data on motor vehicle event data recorder is exclusively owned by owner of motor vehicle. Allows retrieval and use of data from motor vehicle event data recorder without consent of owner under specified circumstances.

A BILL FOR AN ACT

2 Relating to motor vehicle event data recorders.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 6 of this 2007 Act:**

5 **(1) "Motor vehicle event data recorder" means a factory installed feature in a motor ve-**
6 **hicle that:**

7 **(a) Records, stores, transmits or dispenses information relating to motor vehicle speed,**
8 **direction or location, steering performance or seatbelt restraint status for the purpose of**
9 **retrieval after a crash;**

10 **(b) Has the capacity to transmit information concerning a crash in which a motor vehicle**
11 **has been involved to a central communications system when a crash occurs; or**

12 **(c) Includes a sensing and diagnostic module, restraint control module, electronic throt-**
13 **tle control or other similar component.**

14 **(2) "Owner" means a person:**

15 **(a) In whose name a motor vehicle is registered or titled;**

16 **(b) Who leases a motor vehicle for at least three months;**

17 **(c) Who is entitled to possession of a motor vehicle as the purchaser under a security**
18 **agreement; or**

19 **(d) Who is the attorney in fact, conservator or personal representative for a person de-**
20 **scribed in paragraphs (a) to (c) of this subsection.**

21 **SECTION 2. (1) When a person purchases a new motor vehicle, the seller must give the**
22 **purchaser a written notice that discloses the presence of any motor vehicle event data re-**
23 **corder in the motor vehicle. The notice must indicate the type of motor vehicle event data**
24 **recorder in the motor vehicle and the type of data that is recorded, stored or transmitted**
25 **by the motor vehicle event data recorder.**

26 **(2) Except as specifically provided under sections 1 to 6 of this 2007 Act, the data on a**
27 **motor vehicle event data recorder is exclusively owned by the owner of the motor vehicle**
28 **and may not be retrieved or used by any person other than the owner of the motor vehicle**

1 without the written consent of the owner. If a motor vehicle is owned by more than one

2 person, all owners must consent to the retrieval or use of the data from a motor vehicle

3 event data recorder.

4   SECTION 3. (1) Data on a motor vehicle event data recorder does not become the prop-

5 erty of a lienholder or insurer solely because the lienholder or insurer succeeds in ownership

6 of a motor vehicle as a result of an accident.

7   (2) An insurer may not condition the payment or settlement of an owner′s claim on the

8 owner′s consent to the retrieval or use of the data on a motor vehicle event data recorder.

9   (3) An insurer or lessor of a motor vehicle may not require an owner to consent to the

10 retrieval or use of the data on a motor vehicle event data recorder as a condition of provid-

11 ing the policy or lease.

12   SECTION 4. (1) Data from a motor vehicle event data recorder may be retrieved or used

13 without the consent of the owner after an accident if:

14   (a) A court orders the production of the data;

15   (b) A law enforcement officer has probable cause to believe that a crime has occurred

16 and that the data is relevant to the investigation of that crime; or

17   (c) A law enforcement officer, firefighter or emergency medical services provider obtains

18 the data in the course of responding to or investigating an emergency involving the physical

19 injury or the risk of physical injury to any person.

20   (2) The Department of Transportation may retrieve data from a motor vehicle event data

21 recorder if the data is used for the following purposes:

22   (a) Preclearing weigh stations;

23   (b) Automating driver records of duty status as authorized by the United States Depart-

24 ment of Transportation;

25   (c) Reporting fuel tax or other mileage reporting purpose; or

26   (d) Complying with a state or federal law.

27   SECTION 5. (1) Data from a motor vehicle event data recorder may be retrieved or used

28 without the consent of the owner to facilitate or determine the need for emergency medical

29 care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash

30 or other emergency, including the retrieval of data from a company that provides sub-

31 scription services to the owner of a motor vehicle for in-vehicle safety and security com-

32 munications systems.

33   (2) Data from a motor vehicle event data recorder may be retrieved or used without the

34 consent of the owner to facilitate medical research of the human body′s reaction to motor

35 vehicle crashes if:

36   (a) The identity of the owner or driver is not disclosed in connection with the retrieved

37 data; and

38   (b) The last four digits of the vehicle identification number are not disclosed.

39   (3) Data from a motor vehicle event data recorder may be retrieved or used without the

40 consent of the owner to diagnose, service or repair a motor vehicle.

41   SECTION 6. Sections 1 to 6 of this 2007 Act do not apply to data that is stored or

42 transmitted pursuant to a subscription service agreement that, for a fee, provides cellular

43 phone technology capabilities that allow a recording device to record a history of where a

44 motor vehicle travels or that allow transmission to a central communications system of in-

45 formation concerning an accident in which a motor vehicle subscribing to the service has

1   **been involved.**

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