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("Black Box") Legislation

2005 Legislation Related to Event Data Recorders ("Black Boxes") in Vehicles

As of December 8, 2005

In 2004, California became the first state to enact legislation ([Calif. Vehicle Code § 9951](#)) requiring manufacturers to disclose to customers whether event data recorders or "black boxes" are installed in vehicles. Black boxes record data such as the speed of a vehicle, safety belt use, and other vehicle safety information. The law also prohibits download of that data without the owner's permission or a court order. In a related area, California ([Calif. Civil Code § 1936](#)) and New York ([New York Gen. Bus. Law § 396-z](#)) have passed laws prohibiting rental car companies from using electronic surveillance or global positioning devices to impose fees, charges or penalties relating to the renter's use of the vehicle.

Summary: Legislation introduced in at least 16 states in 2005. Legislation enacted in [Arkansas](#), [Nevada](#), [New York](#), [North Dakota](#), and [Texas](#) in 2005.

ALASKA

[S.B. 18](#)

Legislature adjourned 05/10/05

Sponsor: Elton

Relates to motor vehicles equipped with data recording or transmitting devices.

ARKANSAS

[S.B. 51](#)

04/01/05, Signed by Governor, Act 1419

Sponsor: Jeffress

Prescribes the ownership of information recorded by an event data recorder in motor vehicles and prohibits the use of the data without written permission of the owner of the vehicle; and for other purposes.

CONNECTICUT

[S.B. 824](#)

05/25/05 Passed Senate

Legislature adjourned 06/08/05

Sponsor: Harp

Prohibits law enforcement access to recorded information in "black boxes" in motor vehicles.

MASSACHUSETTS

[H.B. 1973](#)

Sponsor: Travis

Relates to motor vehicles equipped with certain recording devices.

[H.B. 2092](#)

Sponsor: Torrisi

Regulates the use of Recoding Devices in motor Vehicles.

MICHIGAN

[S.B. 902](#)

Sponsor: Stamas

Defines event data recorder. Requires the disclosure of the presence of an event data recorder in vehicles.

[S.B. 903](#)

Sponsor: Stamas

Defines the requirements of an event data recorder by an insurer or the use of event data recorder data to determine insurance premiums to be an unfair and deceptive business practice. This bill requires the passage of S.B. 902.

[S.B. 904](#)

Sponsor: Kuipers

Prevents the use of event data recorder data in criminal trials without a waiver from the operator or a valid search warrant. This bill requires the passage of S.B. 902.

[S.B. 905](#)

Sponsor: Gilbert

Prevents the use of event data recorder data in civil trials without a waiver from the operator. This bill requires the passage of S.B. 902.

MONTANA

[H.B. 322](#)

Legislature adjourned 04/21/05

Sponsor: R. Koopman.

Prohibits the sale or offering for sale of noncommercial motor vehicles that are equipped with event data recorders that are not able to be deactivated; provides that a violation is considered an unfair trade practice and subjects a violator to the unfair trade practice penalties; provides conditions under which information stored on event data recorders may be released or transferred; specifies that unauthorized release or transfer of the information is an invasion of privacy and allowing for collection of damages; defines "Event Data Recorder."

NEVADA

[A.B. 315](#)

06/13/05, Signed by Governor, Chapter 361

Sponsors: Pierce, Parks

An act requiring disclosure of the existence of certain event recording devices in motor vehicles under certain circumstances; restricting the use of information retrieved from an event data recording device under certain circumstances; providing a penalty.

NEW HAMPSHIRE

[H.B. 599](#)

03/30/05, Passed House

Sponsors: Rep. Ferland, Sull 5; Rep. Dickinson, Carr 1; Rep. Phinizy, Sull 5; Rep. Bicknell, Rock , et al.

An act requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.

NEW JERSEY

[A.B. 2090](#) / [S.B. 2546](#)

Sponsor: Cohen, Buono

Requires motor vehicle manufacturers and subscription services to make disclosures about recording devices; regulates release of recording device data.

[A.B. 3209](#) / [S.B. 2022](#)

Sponsor: Quigley, Kyrillos

Requires ambulances to be equipped with global positioning systems.

[A.R. 172](#) / [S.R. 52](#)

02/15/05 Filed with Secretary of State

Sponsor: Bodine, Bark

Memorializes Rowan University to study feasibility of using black boxes in emergency vehicles.

NEW YORK

[A.B. 872](#) / [S.B. 850](#)

09/16/05 Signed by Governor, Chapter 648

Sponsor: McEneny, Trunzo

Requires the disclosure of the installation of vehicle data recording devices, i.e., event data recorders, by the manufacturer of new vehicles sold or leased in New York state in or along with the owner's manual.

[A.B. 2628](#) / [S.B. 1422](#)

Sponsor: Lafayette, Sabini

Provides that motor vehicles manufactured after December 31, 2006 and operated in New York state shall be equipped with an event data recorder.

[A.B. 6093](#)

Sponsor: Benjamin

Requires use of event data recorders in motor vehicles to reconstruct accident scenes; requires salesperson to inform purchasers orally and in writing that an event data recorder is on board; makes tampering with, disabling, or removal of such device a misdemeanor; provides for the use of such information in actions or proceedings involving motor vehicle accident or crime scenes.

[S.B. 3375](#)

Requires any schedule or rating plan for non-commercial private passenger automobile insurance to provide for an actuarially appropriate reduction in premium charges for bodily injury liability, property damage liability, personal injury protection, medical payments, and collision coverage with respect to automobiles equipped with bona fide automotive safety monitoring devices (for parental monitoring of minor drivers).

NORTH DAKOTA

[S.B. 2200](#)

04/23/05, Signed by Governor, Chapter 440

Sponsors: Holmberg, Trenbeath, Triplett; Representatives DeKrey, Delmore, Kretschmar

Relates to recording devices on motor vehicles; and provides for application.

PENNSYLVANIA

[H.B. 1294](#)

Sponsors: Harhai, Caltagirone, DeWeese, Grucela, Haluska

Provides for the sale and removal of motor vehicle event data recorders; imposes penalties; and provides for evidentiary rules.

TENNESSEE

[H.B. 1303](#) / [S.B. 1850](#)

Legislature adjourned 05/28/05

Sponsor: Coleman / Sponsor: Herron

Regulates event data recorders (EDR) and sensing and diagnostic modules (SDM) in motor vehicles and the use and disclosure of any information stored in or generated by such equipment.

[H.B. 1304](#) / [S.B. 1806](#)

Legislature adjourned 05/28/05

Sponsor: Coleman / Sponsor: Herron

Requires notice of recording devices on motor vehicles be given to motor vehicle owners.

TEXAS

[H.B. 160](#)

06/18/05 Signed by Governor

Sponsor: McCall

Relates to motor vehicles equipped with recording devices.

[H.B. 195](#)

Legislature adjourned 05/30/05

Sponsor: Guillen

Relates to motor vehicles equipped with recording devices.

VIRGINIA

[H.B. 697](#)

Legislature adjourned 02/27/05

Sponsor: Morgan

Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. Prohibits specified data that is recorded on a recording device from being downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under specified circumstances. Requires a subscription service agreement to disclose that specified information may be recorded or transmitted as part of the subscription service. Applies to all motor vehicles manufactured on or after July 1, 2004.

[H.B. 2468](#)

Legislature adjourned 02/27/05

Sponsor: May

Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. Requires a seller or lessor of a new vehicle to conspicuously disclose the fact prior to sale or lease. Applies to all motor vehicles manufactured for model year 2007 and later.

[H.B. 2134](#)

Legislature adjourned 02/27/05

Sponsor: Gear, Griffith

Deems data that is recorded on a device that records or transmits performance or operation information about the vehicle the personal property of the owner of the motor vehicle and may not be downloaded or otherwise retrieved by a person other than the owner, except (i) with the consent of the owner or (ii) in response to an order of a court of competent jurisdiction.

[H.B. 2135](#)

Legislature adjourned 02/27/05

Sponsor: Gear, Black, Griffith

Prohibits motor vehicle insurers from including in policies any provision that authorizes the insurer to obtain access to data that is electronically stored in an electronic data recording system in the motor vehicle.

WEST VIRGINIA

[H.B. 2850](#)

03/24/05, Passed House

Legislature adjourned 04/09/05

Sponsors: Delegates Perdue, Barker, Talbott, Amores and Eldridge

Relates to regulating the use of automobile event data recorders.

For additional information, contact Pam Greenberg, NCSL Legislative Information Services, 303-364-7700, ext. 1413, pam.greenberg@ncsl.org at ncsl.org

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