

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/24/03
A Bill

SENATE BILL 151

5 By: Senator J. Jeffress
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8 **For An Act To Be Entitled**

9 AN ACT TO PRESCRIBE THE OWNERSHIP OF INFORMATION
10 RECORDED BY A DATA RECORDER IN MOTOR VEHICLES AND
11 TO PROHIBIT THE USE OF THE DATA WITHOUT WRITTEN
12 PERMISSION OF THE OWNER OF THE VEHICLE; AND FOR
13 OTHER PURPOSES.
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15 **Subtitle**

16 TO PRESCRIBE THE OWNERSHIP OF
17 INFORMATION RECORDED BY A DATA RECORDER
18 IN A MOTOR VEHICLE AND TO PROHIBIT THE
19 USE OF THE DATA WITHOUT WRITTEN
20 PERMISSION OF THE OWNER OF THE VEHICLE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 27, Chapter 37, Subchapter 1 is amended
26 to add an additional section to read as follows:

27 27-37-103. Motor vehicle data recorder - data ownership.

28 (a) As used in this section:

29 (1) "Data" means vehicle performance information stored in a
30 motor vehicle data recorder;

31 (2) "Motor vehicle data recorder" means:

32 (A) A factory installed device in a motor vehicle that
33 records and stores technical information regarding the performance of the
34 motor vehicle, for example, engine speed, vehicle location, brake activation,
35 deployment of airbags, accelerator position, or other similar information;

36 (B) A Sensing and Diagnostic Module in a motor vehicle



1 manufactured by the General Motors Corporation; and

2 (b)(1) In a motor vehicle equipped with a motor vehicle data recorder
3 in Arkansas, the data is private and is owned by the owner of the motor
4 vehicle.

5 (2) Data shall not be used by another person for any reason
6 without the written permission of the owner of the motor vehicle.

7 (c)(1)(A) If a motor vehicle equipped with a motor vehicle data
8 recorder is involved in an accident in Arkansas, the ownership of the data
9 shall be retained by the vehicle owner who held title of ownership in the
10 vehicle at the time of the accident.

11 (B) Ownership of the information shall not pass to a lien
12 holder or to an insurer because the lien holder or insurer succeeds in
13 ownership to the vehicle as a result of the accident.

14 (2) Data shall not be used by a lien holder or an insurer for
15 any reason without the written permission of the person who held title of
16 ownership in the vehicle at the time of the accident.

17 (d) The data from a motor vehicle data recorder may be subpoenaed by a
18 party in a legal action only if ordered by a court of competent jurisdiction
19 in Arkansas.

20 (e) However, the Arkansas Highway and Transportation Department is
21 authorized to obtain data from a motor vehicle data recorder used for the
22 following purposes:

23 (1) Pre-clearing weigh stations;

24 (2) Automating driver records of duty status as authorized by
25 the United States Department of Transportation;

26 (3) Replacing handwritten reports for any fuel tax reporting or
27 other mileage reporting purpose; or

28 (4) Complying with a state or federal law.

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30 /s/ J. Jeffress
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