

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S2/1/05 S2/9/05

A Bill

SENATE BILL 51

5 By: Senator J. Jeffress
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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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Subtitle

15 TO PRESCRIBE THE OWNERSHIP OF
16 INFORMATION RECORDED BY A DATA RECORDER
17 IN A MOTOR VEHICLE AND TO PROHIBIT THE
18 USE OF THE DATA WITHOUT WRITTEN
19 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) "Motor vehicle data recorder" means a factory-installed*
30 *device in a motor vehicle that:*

31 *(A) Records, stores, transmits, or dispenses any of the*
32 *following information for the purpose of retrieval after a collision:*

33 *(i) Vehicle speed;*

34 *(ii) Vehicle direction;*

35 *(iii) Vehicle location;*

36 *(iv) Steering performance; or*



- 1 (v) Seatbelt restraint status;
2 (B) Has the capacity to transmit information concerning a
3 collision in which the motor vehicle has been involved to a central
4 communications system when a crash occurs; and
5 (C) Includes a sensing and diagnostic module;
6 (2) "Owner" means a person or entity:
7 (i) In whose name a motor vehicle is registered or
8 titled;
9 (ii) Who leases a motor vehicle for at least three
10 (3) months; or
11 (iii) Who is entitled to possession of the motor
12 vehicle as the purchaser under a security agreement.
13 (b) At the time of purchase, an owner of a motor vehicle shall be
14 given written notice by the seller or manufacturer that includes the
15 following:
16 (1) The presence of the motor vehicle data recorder in the motor
17 vehicle;
18 (2) The type of motor vehicle data recorder in the motor
19 vehicle; and
20 (3) The type of data that is stored on the motor vehicle data
21 recorder.
22 (c) Except as specifically provided under subsections (d), (f), (g),
23 and (h) of this section, the data on a motor vehicle data recorder:
24 (1) Is private;
25 (2) Is exclusively owned by the owner of the motor vehicle; and
26 (3) Shall not be retrieved or used by another person or entity.
27 (d)(1) If a motor vehicle is owned by one (1) owner, then the owner of
28 a motor vehicle may provide written consent in the form of a release signed
29 by the owner that authorizes a person or entity to retrieve or use the data.
30 (2) If a motor vehicle is owned by more than one (1) person or
31 entity and if all owners agree to release the data, then all owners must
32 consent in writing by signing a release to authorize a person or entity to
33 retrieve or use the data.
34 (3) A release to a person or entity under this subsection shall
35 be limited to permission for data collection and compilation only and shall
36 not authorize the release of information that identifies the owner of the

1 vehicle.

2 (e)(1)(A) If a motor vehicle is equipped with a motor vehicle data
3 recorder and is involved in an accident in Arkansas, the owner of the motor
4 vehicle at the time the data is accessed shall own and retain exclusive
5 ownership rights to the data.

6 (B) The ownership of the data shall not pass to a
7 lienholder or to an insurer because the lienholder or insurer succeeds in
8 ownership to the vehicle as a result of the accident.

9 (2) The data shall not be used by a lienholder or an insurer for
10 any reason without a written consent in the form of a release signed by the
11 owner of the motor vehicle at the time of the accident that authorizes the
12 lienholder or insurer to retrieve or use the data.

13 (3) A lienholder or insurer shall not make the owner's consent
14 to the retrieval or use of the data conditioned upon the payment or
15 settlement of an obligation or claim.

16 (f) Except as specifically provided under subsections (d), (g), and
17 (h) of this section, the data from a motor vehicle data recorder shall only
18 be produced without the consent of the owner at the time of the accident if:

19 (1) A court of competent jurisdiction in Arkansas orders the
20 production of the data;

21 (2) A law enforcement officer obtains the data based on probable
22 cause of an offense under the laws of the State of Arkansas; or

23 (3) A law enforcement officer, a firefighter, or an emergency
24 medical services provider obtains the data in the course of responding to or
25 investigating an emergency involving physical injury or the risk of physical
26 injury to any person.

27 (g) The Arkansas State Highway and Transportation Department may
28 obtain data from a motor vehicle data recorder if the data is used for the
29 following purposes:

30 (1) Preclearing weigh stations;

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

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

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

36 (h) To protect the public health, welfare, and safety, the following

1 exceptions shall be allowed regarding the use of data from a motor vehicle
2 data recorder:

3 (1) To determine the need or facilitate emergency medical care
4 for the driver or passenger of a motor vehicle that is involved in a motor
5 vehicle crash or other emergency, including obtaining data from a company
6 that provides subscription services to the owners of motor vehicles for in-
7 vehicle safety and security communications systems;

8 (2) To facilitate medical research of the human body's reaction
9 to motor vehicle crashes if:

10 (i) The identity of the owner or driver is not disclosed
11 in connection with the retrieved data; and

12 (ii) The last four (4) digits of the vehicle
13 identification number are not disclosed; or

14 (3) To diagnose, service, or repair a motor vehicle.

15 (i) Notwithstanding any other provision of this section, the use of
16 data from a motor vehicle data recorder shall not be permitted into evidence
17 in a civil or criminal matter pending before a court in the State of Arkansas
18 if the original manufacturer's warranty of the motor vehicle has expired.

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20 /s/ J. Jeffress
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