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	As Engrossed: S2/1/05 S2/9/05 S2/15/05	
2	85th General Assembly	A Bill	
3	Regular Session, 2005		SENATE BILL 51
4			
5	By: Senator J. Jeffress		
6			
7			
8		For An Act To Be Entitled	
9	AN ACT TO PRESCRIBE THE OWNERSHIP OF INFORMATION		
10	RECORDI	ED BY AN EVENT DATA RECORDER IN MOTOR	
11	VEHICLES AND TO PROHIBIT THE USE OF THE DATA		
12	WITHOU	F WRITTEN PERMISSION OF THE OWNER OF TH	IE
13	VEHICLI	E; AND FOR OTHER PURPOSES.	
14			
15		Subtitle	
16	TO I	PRESCRIBE THE OWNERSHIP OF	
17	INFO	ORMATION RECORDED BY AN EVENT DATA	
18	RECO	ORDER IN A MOTOR VEHICLE AND TO	
19	PRO	HIBIT THE USE OF THE DATA WITHOUT	
20	WRI	TTEN PERMISSION OF THE OWNER OF THE	
21	VEH	ICLE.	
22			
23			
24	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKAN	SAS:
25			
26	SECTION 1. Ark	cansas Code Title 27, Chapter 37, Subch	apter l is amended
27	to add an additional	section to read as follows:	
28	<u>27-37-103. Mot</u>	cor vehicle event data recorder Data	ownership.
29	(a) As used in	this section:	
30	<u>(1) "Mot</u>	cor vehicle event data recorder" means	<u>a factory-</u>
31	<u>installed device in a</u>	motor vehicle that:	
32	<u>(A)</u>	Records, stores, transmits, or dispe	nses any of the
33	following information	n for the purpose of retrieval after a	<u>collision:</u>
34		(i) Vehicle speed;	
35		(ii) Vehicle direction;	
36		(iii) Vehicle location:	

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

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1	not authorize the release of information that identifies the owner of the	
2	<u>vehicle.</u>	
3	(e)(1)(A) If a motor vehicle is equipped with a motor vehicle event	
4	data recorder and is involved in an accident in Arkansas, the owner of the	
5	motor vehicle at the time the data is accessed shall own and retain exclusive	
6	ownership rights to the data.	
7	(B) The ownership of the data shall not pass to a	
8	lienholder or to an insurer because the lienholder or insurer succeeds in	
9	ownership to the vehicle as a result of the accident.	
10	(2) The data shall not be used by a lienholder or an insurer for	
11	any reason without a written consent in the form of a release signed by the	
12	owner of the motor vehicle at the time of the accident that authorizes the	
13	lienholder or insurer to retrieve or use the data.	
14	(3) A lienholder or insurer shall not make the owner's consent	
15	to the retrieval or use of the data conditioned upon the payment or	
16	settlement of an obligation or claim; however, the insured is required to	
17	comply with all policy provisions including any provision that requires the	
18	insured to cooperate with the insurer.	
19	(f) Except as specifically provided under subsections (d), (g), and	
20	(h) of this section, the data from a motor vehicle event data recorder shall	
21	only be produced without the consent of the owner at the time of the accident	
22	<u>if:</u>	
23	(1) A court of competent jurisdiction in Arkansas orders the	
24	production of the data;	
25	(2) A law enforcement officer obtains the data based on probable	
26	cause of an offense under the laws of the State of Arkansas; or	
27	(3) A law enforcement officer, a firefighter, or an emergency	
28	medical services provider obtains the data in the course of responding to or	
29	investigating an emergency involving physical injury or the risk of physical	
30	injury to any person.	
31	(g) The Arkansas State Highway and Transportation Department may	
32	obtain data from a motor vehicle event data recorder if the data is used for	
33	the following purposes:	
34	(1) Preclearing weigh stations;	

the United States Department of Transportation;

(2) Automating driver records of duty status as authorized by

1	(3) Replacing handwritten reports for any fuel tax reporting or		
2	other mileage reporting purpose; or		
3	(4) Complying with a state or federal law.		
4	(h) To protect the public health, welfare, and safety, the following		
5	exceptions shall be allowed regarding the use of data from a motor vehicle		
6	event data recorder:		
7	(1) To determine the need or facilitate emergency medical care		
8	for the driver or passenger of a motor vehicle that is involved in a motor		
9	vehicle crash or other emergency, including obtaining data from a company		
10	that provides subscription services to the owners of motor vehicles for in-		
11	vehicle safety and security communications systems;		
12	(2) To facilitate medical research of the human body's reaction		
13	to motor vehicle crashes if:		
14	(i) The identity of the owner or driver is not disclosed		
15	in connection with the retrieved data; and		
16	(ii) The last four (4) digits of the vehicle		
17	identification number are not disclosed; or		
18	(3) To diagnose, service, or repair a motor vehicle.		
19	(i) Notwithstanding any other provision of this section, the use of		
20	data from a motor vehicle event data recorder shall not be permitted into		
21	evidence in a civil or criminal matter pending before a court in the State of		
22	Arkansas unless it is shown to be relevant and reliable pursuant to the		
23	Arkansas Rules of Evidence.		
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25	/s/ J. Jeffress		
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