

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 S2/15/05

A Bill

SENATE BILL 51

5 By: Senator J. Jeffress
6
7

For An Act To Be Entitled

9 AN ACT TO PRESCRIBE THE OWNERSHIP OF INFORMATION
10 RECORDED BY AN EVENT DATA RECORDER IN MOTOR
11 VEHICLES AND TO PROHIBIT THE USE OF THE DATA
12 WITHOUT WRITTEN PERMISSION OF THE OWNER OF THE
13 VEHICLE; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO PRESCRIBE THE OWNERSHIP OF
16 INFORMATION RECORDED BY AN EVENT DATA
17 RECORDER IN A MOTOR VEHICLE AND TO
18 PROHIBIT THE USE OF THE DATA WITHOUT
19 WRITTEN PERMISSION OF THE OWNER OF THE
20 VEHICLE.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 27, Chapter 37, Subchapter 1 is amended
27 to add an additional section to read as follows:

28 27-37-103. Motor vehicle event data recorder -- Data ownership.

29 (a) As used in this section:

30 (1) "Motor vehicle event data recorder" means a factory-
31 installed device in a motor vehicle that:

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

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 titled;

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

1 not authorize the release of information that identifies the owner of the
2 vehicle.

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 if:

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;

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

