

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

A Bill

SENATE BILL 51

4
5 By: Senator J. Jeffress
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For An Act To Be Entitled

8
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
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 and status information
30 stored in a motor vehicle data recorder;

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

32 (A) A factory-installed device in a motor vehicle that
33 records, stores, or dispenses any of the following information:

34 (i) Engine speed;

35 (ii) Vehicle location or location history;

36 (iii) Brake performance;



1 (iv) Steering performance;
2 (v) Airbag deployment or status;
3 (vi) Seatbelt restraint status;
4 (vii) Accelerator position; or
5 (viii) Other technical information regarding vehicle
6 dynamics and system status; and

7 (B) A sensing and diagnostic module in a motor vehicle
8 manufactured by any automobile manufacturer; and

9 (3) "Owner" means a person or entity in whose name a motor
10 vehicle is registered or titled.

11 (b) A person who purchases a motor vehicle that is equipped with a
12 motor vehicle data recorder shall be given written notice by the seller or
13 manufacturer that includes the following:

14 (1) The presence of the motor vehicle data recorder in the motor
15 vehicle;

16 (2) The type of motor vehicle data recorder in the motor
17 vehicle; and

18 (3) The type of data that is stored on the motor vehicle data
19 recorder.

20 (c) Except as otherwise provided in this section, the data on a motor
21 vehicle data recorder:

22 (1) Is private;

23 (2) Is exclusively owned by the owner of the motor vehicle; and

24 (3) Shall not be retrieved or used by another person or entity.

25 (d)(1) If a motor vehicle is owned by one (1) owner, then the owner of
26 a motor vehicle may provide written consent in the form of a release signed
27 by the owner that authorizes a person or entity to retrieve or use the data.

28 (2) If a motor vehicle is owned by more than one (1) person or
29 entity and if all owners agree to release the data, then all owners must
30 consent in writing by signing a release to authorize a person or entity to
31 retrieve or use the data.

32 (3) A release to a person or entity under this subsection shall
33 be limited to permission for data collection and compilation only and shall
34 not authorize the release of information that identifies the owner of the
35 vehicle.

36 (e)(1)(A) If a motor vehicle is equipped with a motor vehicle data

1 recorder and is involved in an accident in Arkansas, the owner of the motor
2 vehicle at the time of the accident shall own and retain exclusive ownership
3 rights to the data.

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

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

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

14 (f) Except as provided in subsection (g) of this section, the data
15 from a motor vehicle data recorder shall only be produced without the consent
16 of the owner at the time of the accident if a court of competent jurisdiction
17 in Arkansas orders the production of the data.

18 (g) The Arkansas State Highway and Transportation Department may
19 obtain data from a motor vehicle data recorder used for the following
20 purposes:

21 (1) Preclearing weigh stations;

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

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

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

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