

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1294 Session of
2005

INTRODUCED BY HARHAI, CALTAGIRONE, DeWEESE, GRUCELA, HALUSKA,
JAMES, LEVDANSKY, MAHER, MANDERINO, McCALL, McGEEHAN,
McILHATTAN, MELIO, MUNDY, NAILOR, OLIVER, PALLONE, PETRARCA,
PISTELLA, SHANER, TANGRETTI, THOMAS, TIGUE, VEON, STABACK,
READSHAW, KOTIK, GOODMAN, WHEATLEY, PHILLIPS AND SAINATO,
APRIL 6, 2005

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 6, 2005

AN ACT

1 Providing for the sale and removal of motor vehicle event data
2 recorders; imposing penalties; and providing for evidentiary
3 rules.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Motor Vehicle
8 Event Data Recorder Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Motor vehicle event data recorder." A device installed in a
14 motor vehicle for the purpose of retrieving data about the
15 operation of the motor vehicle. The data includes speed,
16 direction, location, operational functioning and use of safety

1 devices in the motor vehicle.

2 Section 3. Notice.

3 (a) Requirement.--If a new motor vehicle is offered for sale
4 at retail, the seller shall notify the buyer of all of the
5 following:

6 (1) Whether a motor vehicle event data recorder is
7 contained within the motor vehicle.

8 (2) If a motor vehicle event data recorder is contained
9 in the motor vehicle, the following information:

10 (i) a description of the data which can be recorded;
11 and

12 (ii) notice that data obtained or similar device can
13 be used as evidence in legal proceedings.

14 (b) Civil penalty.--A seller that violates subsection (a) is
15 liable to the purchaser for a civil penalty of \$500.

16 Section 4. Removal.

17 (a) Prohibition.--An individual may not remove a motor
18 vehicle event data recorder from a motor vehicle unless one of
19 the following applies:

20 (1) The owner of the motor vehicle consents to the
21 removal.

22 (2) A court orders the removal.

23 (b) Grading.--An individual who violates subsection (a)
24 commits a summary offense.

25 Section 5. Evidence.

26 Data from a motor vehicle event data recorder removed in
27 violation of section 4 (relating to removal) is inadmissible in
28 evidence in any civil, criminal or administrative action.

29 Section 19. Applicability.

30 Section 5 shall apply to actions initiated on or after the

- 1 effective date of this section.
- 2 Section 20. Effective date.
- 3 This act shall take effect in 60 days.