

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, SAINATO,
SOLOBAY, DONATUCCI, BLAUM, MANN, SURRA, RUBLEY, GEIST,
J. EVANS, WOJNAROSKI, DENLINGER, YOUNGBLOOD, O'NEILL,
HENNESSEY AND FREEMAN, APRIL 6, 2005

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 28, 2005

AN ACT

1 Providing for the sale ~~and removal~~ of motor vehicle event data <—
2 recorders; AND imposing penalties. ~~and providing for~~ <—
3 ~~evidentiary 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,

1 direction, location, operational functioning and use of safety
2 devices in the motor vehicle.

3 Section 3. Notice.

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

7 (A) REQUIREMENT.--AT TIME OF PURCHASE, LEASE OR RENTAL THE <—
8 SELLER OR LESSOR OF A MOTOR VEHICLE SHALL DISCLOSE:

9 (1) Whether a motor vehicle event data recorder is
10 contained within the motor vehicle.

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

13 (i) a description of the data which can be recorded;

14 and

15 (ii) notice that data obtained ~~or similar device~~ can <—
16 be used as evidence in legal proceedings.

17 ~~(b) Civil penalty. A seller that violates subsection (a) is~~ <—
18 ~~liable to the purchaser for a civil penalty of \$500.~~

19 (B) PENALTY.--A VIOLATION OF THIS ACT SHALL CONSTITUTE A <—
20 VIOLATION OF THE ACT OF DECEMBER 17, 1968 (P.L.1224, NO.387),
21 KNOWN AS THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.

22 ~~Section 4. Removal.~~ <—

23 ~~(a) Prohibition. An individual may not remove a motor~~
24 ~~vehicle event data recorder from a motor vehicle unless one of~~
25 ~~the following applies:~~

26 ~~(1) The owner of the motor vehicle consents to the~~
27 ~~removal.~~

28 ~~(2) A court orders the removal.~~

29 ~~(b) Grading. An individual who violates subsection (a)~~
30 ~~commits a summary offense.~~

1 ~~Section 5. Evidence.~~

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

5 ~~Section 19. Applicability.~~

6 ~~Section 5 shall apply to actions initiated on or after the~~
7 ~~effective date of this section.~~

8 Section 20 4. Effective date.

<—

9 This act shall take effect in 60 days.