

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, FREEMAN AND PRESTON, APRIL 6, 2005

AS RE-REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 6, 2005

AN ACT

1 ~~Providing for the sale of motor vehicle event data recorders;~~ <—
2 ~~and imposing penalties.~~
3 PROVIDING FOR NOTICE OF MOTOR VEHICLE EVENT DATA RECORDERS AND <—
4 FOR INFORMATION RETRIEVAL; IMPOSING PENALTIES; AND PROVIDING
5 FOR EVIDENTIARY RULES.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Short title.~~ <—

9 ~~This act shall be known and may be cited as the Motor Vehicle~~
10 ~~Event Data Recorder Act.~~

11 ~~Section 2. Definitions.~~

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

15 ~~"Motor vehicle event data recorder." A device installed in a~~
16 ~~motor vehicle for the purpose of retrieving data about the~~

1 ~~operation of the motor vehicle. The data includes speed,~~
2 ~~direction, location, operational functioning and use of safety~~
3 ~~devices in the motor vehicle.~~

4 ~~Section 3. Notice.~~

5 ~~(a) Requirement. At time of purchase, lease or rental the~~
6 ~~seller or lessor of a motor vehicle shall disclose:~~

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

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

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

12 ~~and~~

13 ~~(ii) notice that data obtained can be used as~~
14 ~~evidence in legal proceedings.~~

15 ~~(b) Penalty. A violation of this act shall constitute a~~
16 ~~violation of the act of December 17, 1968 (P.L.1224, No.387),~~
17 ~~known as the Unfair Trade Practices and Consumer Protection Law.~~

18 ~~Section 4. Effective date.~~

19 ~~This act shall take effect in 60 days.~~

20 SECTION 1. SHORT TITLE.

<—

21 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE MOTOR VEHICLE
22 EVENT DATA RECORDER ACT.

23 SECTION 2. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
25 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "LEASE." A LEASE AGREEMENT BETWEEN A LESSOR AND LESSEE FOR A
28 TERM OF AT LEAST 12 MONTHS.

29 "MOTOR VEHICLE EVENT DATA RECORDER." A DEVICE INSTALLED IN A
30 MOTOR VEHICLE BY THE MANUFACTURER OF THE VEHICLE FOR THE PURPOSE

1 OF RETRIEVING DATA ABOUT THE OPERATION OF THE MOTOR VEHICLE,
2 INCLUDING DATA RELATING TO SPEED, DIRECTION, LOCATION,
3 OPERATIONAL FUNCTIONING AND USE OF SAFETY DEVICES IN THE MOTOR
4 VEHICLE.

5 "NEW MOTOR VEHICLE." THE TERM INCLUDES ONLY A NEW MOTOR
6 VEHICLE THAT IS PURCHASED OR LEASED FOR PERSONAL USE.

7 SECTION 3. NEW VEHICLE NOTICE.

8 (A) REQUIREMENT.--THE MANUFACTURER OF A NEW MOTOR VEHICLE
9 SOLD OR LEASED IN THIS COMMONWEALTH SHALL DISCLOSE THE FOLLOWING
10 IN THE OWNER'S MANUAL OF THE VEHICLE:

11 (1) WHETHER THE NEW MOTOR VEHICLE IS EQUIPPED WITH A
12 MOTOR VEHICLE EVENT DATA RECORDER.

13 (2) IF THE NEW MOTOR VEHICLE IS EQUIPPED WITH A MOTOR
14 VEHICLE EVENT DATA RECORDER, THE FOLLOWING INFORMATION SHALL
15 BE DISCLOSED IN THE OWNER'S MANUAL:

16 (I) A DESCRIPTION OF THE DATA WHICH CAN BE RECORDED;
17 AND

18 (II) NOTICE THAT DATA DOWNLOADED OR OTHERWISE
19 RETRIEVED BY AN EVENT DATA RECORDER OR SIMILAR DEVICE CAN
20 BE USED AS EVIDENCE IN LEGAL PROCEEDINGS.

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

24 SECTION 4. INFORMATION RETRIEVAL.

25 (A) PROHIBITION.--AN INDIVIDUAL MAY NOT DOWNLOAD OR
26 OTHERWISE RETRIEVE A MOTOR VEHICLE EVENT DATA RECORDER OR THE
27 INFORMATION IT HAS DOWNLOADED OR OTHERWISE RETRIEVED FROM A
28 MOTOR VEHICLE UNLESS ONE OF THE FOLLOWING APPLIES:

29 (1) THE OWNER OF THE MOTOR VEHICLE CONSENTS TO THE
30 DOWNLOADING OR RETRIEVAL.

1 (2) A COURT ORDERS THE DOWNLOADING OR RETRIEVAL.

2 (3) BY AN AUTHORIZED PERSON FOR PURPOSES RELATED TO

3 IMPROVING VEHICLE SAFETY PROVIDED THE IDENTITY OF THE

4 REGISTERED OWNER OR DRIVER IS NOT DISCLOSED.

5 (4) THE MOTOR VEHICLE EVENT DATA RECORDER OR DATA IS

6 RETRIEVED FOR THE PURPOSE OF DIAGNOSING, SERVICING OR

7 REPAIRING THE VEHICLE.

8 (5) THE NATIONAL TRANSPORTATION SAFETY BOARD MAKES A

9 REQUEST AS PART OF AN OFFICIAL ACCIDENT INVESTIGATION.

10 (B) EXEMPTION.--SUBSECTION (A) DOES NOT APPLY TO

11 SUBSCRIPTION SERVICES.

12 (C) GRADING.--AN INDIVIDUAL WHO VIOLATES SUBSECTION (A)

13 COMMITTS A SUMMARY OFFENSE.

14 SECTION 5. EVIDENCE.

15 (A) GENERAL RULE.--DATA FROM A MOTOR VEHICLE EVENT DATA

16 RECORDER THAT IS DOWNLOADED OR OTHERWISE RETRIEVED IN VIOLATION

17 OF THIS ACT IS INADMISSIBLE IN EVIDENCE IN ANY CIVIL, CRIMINAL

18 OR ADMINISTRATIVE ACTION.

19 (B) APPLICABILITY.--THIS SECTION SHALL APPLY TO ACTIONS

20 INITIATED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

21 SECTION 6. SUBSCRIPTION SERVICES.

22 IF A MOTOR VEHICLE EVENT RECORDER IS INSTALLED AS PART OF A

23 SUBSCRIPTION SERVICE, THE SUBSCRIPTION SERVICE AGREEMENT SHALL

24 DISCLOSE THAT THE DEVICE MAY RECORD OR TRANSMIT INFORMATION AS

25 DESCRIBED IN SECTION 3.

26 SECTION 7. EFFECTIVE DATE.

27 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.