

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1050 Session of
2006

INTRODUCED BY MADIGAN, WONDERLING, O'PAKE, ERICKSON, PUNT,
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RHOADES AND KITCHEN, JANUARY 3, 2006

REFERRED TO TRANSPORTATION, JANUARY 3, 2006

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, requiring manufacturers to disclose information
3 relating to vehicles equipped with event data recorders or
4 sensing and diagnostic modules.

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

7 Section 1. Title 75 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 4109. Recording devices.

10 (a) Disclosure required.--A manufacturer of a new motor
11 vehicle sold or leased in this Commonwealth which is equipped
12 with one or more recording devices, commonly referred to as
13 event data recorders (EDR) or sensing and diagnostic modules
14 (SDM), shall disclose that fact in the owner's manual for the
15 vehicle.

16 (b) Use of data.--Data described under subsection (f) that
17 is recorded on a recording device may not be downloaded or
18 otherwise retrieved by a person other than the registered owner

of the motor vehicle, except under one of the following
circumstances:

(1) The registered owner of the motor vehicle consents
to the retrieval of the information.

(2) In response to an order of a court having
jurisdiction to issue the order.

(3) For the purpose of improving motor vehicle safety,
including for medical research of the human body's reaction
to motor vehicle accidents, and the identity of the
registered owner or driver is not disclosed in connection
with that retrieved data. The disclosure of the vehicle
identification number for the purpose of improving vehicle
safety, including for medical research of the human body's
reaction to motor vehicle accidents, does not constitute the
disclosure of the identity of the registered owner or driver.

(4) The data is retrieved by a licensed new motor
vehicle dealer or by an automotive technician for the purpose
of diagnosing, servicing or repairing the motor vehicle.

(c) Release of data.--A person authorized to download or
otherwise retrieve data from a recording device in accordance
with subsection (b)(3) may not release that data, except to
share the data among the motor vehicle safety and medical
research communities, to advance motor vehicle safety and only
if the identity of the registered owner or driver is not
disclosed.

(d) Subscription services.--

(1) If a motor vehicle is equipped with a recording
device that is capable of recording or transmitting
information as described in paragraph (2) or (6) of the
definition of "recording device" under subsection (f) and

1 that capability is part of a subscription service, the fact
2 that the information may be recorded or transmitted shall be
3 disclosed in the subscription service agreement.

4 (2) Subsection (b) does not apply to subscription
5 services meeting the requirements of paragraph (1).

6 (e) Applicability.--This section applies to all motor
7 vehicles manufactured on or after July 1, 2006.

8 (f) Definition.--As used in this section, the term
9 "recording device" means a device that is installed by the
10 manufacturer of the vehicle and does one or more of the
11 following, for the purpose of retrieving data after an accident:

12 (1) Records how fast and in which direction the motor
13 vehicle is traveling.

14 (2) Records a history of where the motor vehicle
15 travels.

16 (3) Records steering performance.

17 (4) Records brake performance, including, but not
18 limited to, whether brakes were applied before an accident.

19 (5) Records the driver's seatbelt status.

20 (6) Has the ability to transmit information concerning
21 an accident in which the motor vehicle has been involved to a
22 central communications system when an accident occurs.

23 Section 2. This act shall take effect in 60 days.