

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 487 Session of 2007

INTRODUCED BY HARHAI, CALTAGIRONE, CARROLL, COX, DENLINGER, FABRIZIO, FAIRCHILD, FRANKEL, FREEMAN, GEIST, GERGELY, GOODMAN, GRUCELA, HALUSKA, HENNESSEY, HESS, JAMES, KOTIK, LEVDANSKY, MAHONEY, MANDERINO, McILHATTAN, MILLARD, MUNDY, OLIVER, O'NEILL, PALLONE, PETRARCA, RAPP, SAINATO, SANTONI, SAYLOR, SCAVELLO, SONNEY, STABACK, SURRA, TANGRETTI, THOMAS, WALKO, WHEATLEY, WOJNAROSKI, YOUNGBLOOD, HORNAMAN, SIPTROTH, GIBBONS, KULA, MURT AND MELIO, FEBRUARY 26, 2007

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 24, 2007

AN ACT

1 Providing for notice of motor vehicle event data recorders and
2 for information retrieval; imposing penalties; and providing
3 for 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 "Lease." A lease agreement between a lessor and lessee for a
14 term of at least 12 months.

15 "Motor vehicle event data recorder." A device installed in a

1 motor vehicle by the manufacturer of the vehicle for the purpose  
2 of retrieving data about the operation of the motor vehicle,  
3 including data relating to speed, direction, location,  
4 operational functioning and use of safety devices in the motor  
5 vehicle.

6 "New motor vehicle." The term includes only a new motor  
7 vehicle that is purchased or leased for personal use.

8 Section 3. New vehicle notice.

9 (a) Requirement.--The manufacturer of a new motor vehicle  
10 sold or leased in this Commonwealth shall disclose the following  
11 in the owner's manual of the vehicle:

12 (1) Whether the new motor vehicle is equipped with a  
13 motor vehicle event data recorder.

14 (2) If the new motor vehicle is equipped with a motor  
15 vehicle event data recorder:

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.--No individual may download or otherwise  
26 retrieve a motor vehicle event data recorder or USE the <—  
27 information it has downloaded or otherwise retrieved from a  
28 motor vehicle EVENT DATA RECORDER unless one of the following <—  
29 applies:

30 (1) The owner of the motor vehicle consents to the

1 downloading ~~or retrieval~~, RETRIEVAL OR USE. <—

2 ~~(2) A court orders the downloading or retrieval.~~ <—

3 (2) A LAWFULLY ISSUED SUBPOENA. <—

4 (3) AFTER AN ACCIDENT INVOLVING THE MOTOR VEHICLE.

5 ~~(3)~~ (4) The individual is an authorized person for <—

6 purposes related to improving vehicle safety, provided the

7 identity of the registered owner or driver is not disclosed.

8 ~~(4)~~ (5) The motor vehicle event data recorder or data is <—

9 retrieved OR USED for the purpose of diagnosing, servicing or <—

10 repairing the vehicle.

11 ~~(5)~~ (6) The National Transportation Safety Board makes a <—

12 request as part of an official accident investigation.

13 (b) Exemption.--Subsection (a) does not apply to

14 subscription services.

15 (c) Grading.--An individual who violates subsection (a)

16 commits a summary offense.

17 Section 5. Evidence.

18 (a) General rule.--Data from a motor vehicle event data

19 recorder that is downloaded ~~or otherwise retrieved~~, RETRIEVED OR <—

20 USED in violation of this act is inadmissible in evidence in any

21 civil, criminal or administrative action.

22 (B) USE OF EVIDENCE.--DATA FROM A MOTOR VEHICLE EVENT DATA <—

23 RECORDER THAT IS DOWNLOADED, RETRIEVED OR USED IN ACCORDANCE

24 WITH THIS ACT SHALL BE INSUFFICIENT TO SUPPORT AN ADJUDICATION

25 OF THE CAUSE OF A MOTOR VEHICLE ACCIDENT UNLESS IT IS

26 CORROBORATED BY OTHER EVIDENCE.

27 ~~(b)~~ (C) Applicability.--This section shall apply to an <—

28 action initiated on or after the effective date of this section.

29 Section 6. Subscription services.

30 If a motor vehicle event recorder is installed as part of a

1 subscription service, the subscription service agreement shall  
2 disclose that the device may record or transmit information as  
3 described in section 3.

4 Section 7. Effective date.

5 This act shall take effect in 60 days.