

SENATE BILL 2241

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 6 and Title 55, Chapter 3, Part 1, to enact the "Motor Vehicle Event Data Recorder Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, is amended by adding the following as a new part:

40-6-401. This part shall be known and may be cited as the 'Motor Vehicle Event Data Recorder Act.'

40-6-402.

As used in this part:

(1)

(A) "Event data" means records of one (1) or more of the following categories of information regarding a motor vehicle that are captured by an event data recorder:

- (i) Vehicle air bag deployment;
- (ii) Vehicle speed;
- (iii) Vehicle steering performance;
- (iv) Vehicle brake performance or use; or
- (v) Vehicle seatbelt status or use;

(B) "Event data" does not include audio and video data;

(2) "Event data recorder" has the same meaning as defined in 49 C.F.R. Sec. 563.5 as in effect on May 14, 2013; and

(3)

(A) "Owner" means:

(i) A person having all the incidents of ownership of a motor vehicle, including legal title to the motor vehicle;

(ii) A person entitled to possession of a motor vehicle as the purchaser under a security agreement; or

(iii) A person entitled to possession of a motor vehicle as a lessee under a written lease agreement if the lease agreement is intended to last for more than three (3) months at its inception;

(B) "Owner" does not include a lienholder unless the lienholder gains possession of the motor vehicle because the person entitled to possession of a motor vehicle as the purchaser under a security agreement defaults on the loan.

40-6-403.

(a)

(1) Event data that is recorded on an event data recorder:

(A) Is private;

(B) Is the personal information of the motor vehicle's owner; and

(C) Except as provided in subsection (2) may not be retrieved by a person who is not the owner of the motor vehicle.

(2) If a motor vehicle is owned by more than one (1) person, only one (1) owner is required to consent to the retrieval or use of the data from a motor vehicle event data recorder.

(b) Event data that is recorded on an event data recorder may be retrieved, obtained, or used by a person who is not the owner of the motor vehicle in the following circumstances:

(1) The owner of the motor vehicle or the owner's agent consents to the retrieval of the data;

(2) The data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an automotive technician to diagnose, service, or repair the motor vehicle at the request of the owner or the owner's agent;

(3) The data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;

(4) A court or administrative agency having jurisdiction orders the data to be retrieved;

(5) A law enforcement officer retrieves the data pursuant to a court order as part of an investigation of a suspected violation of a law that caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or

(6) To facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications.

(c) Except as provided in subsection (d), a person who has retrieved, obtained or used event data under subsection (b) may not release or publish to another person event data that is recorded on an event data recorder.

(d) A person may release or publish to another person event data that is recorded on an event data recorder in the following circumstances

(1) The owner of the motor vehicle or the owner's agent has consented to the release of the data;

(2) The data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;

(3) The data is released pursuant to a court order as part of an investigation of a suspected violation of a law that caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or

(4) If the identity of the owner or driver is not disclosed, the data is released to a motor vehicle safety and medical research entity or data processor in order to advance motor vehicle safety, security, or traffic management.

(e)

(1) If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting event data and that capability is part of a subscription service, the fact that the event data may be recorded or transmitted shall be disclosed in the subscription service agreement.

(2) Notwithstanding the provisions of this section, event data from an event data recorder may be retrieved, obtained and used by a subscription service provider for subscription services meeting the requirement of subsection (e)(1).

(f) Knowingly retrieving, obtaining, or using event data that is recorded on an event data recorder in violation of this section is a Class C misdemeanor.

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 3, Part 1, is amended by adding the following as a new section:

Section 55-3-141.

(a) Event data, as defined in § 40-6-202, on a motor vehicle event data recorder does not become the property of:

(1) An insurer solely because the insurer succeeds in ownership of a motor vehicle as a result of an accident; or

(2) A subsequent purchaser solely because the subsequent purchaser becomes the new owner of the motor vehicle.

(b) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval or use of the data on a motor vehicle event data recorder as a condition of providing the policy or lease.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.