

SENATE BILL No. 902

November 29, 2005, Introduced by Senators STAMAS, GILBERT, KUIPERS, JELINEK, ALLEN, GARCIA, BROWN, SANBORN and GOSCHKA and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 682c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 682C. (1) A MANUFACTURER OF A NEW MOTOR VEHICLE SOLD OR
2 LEASED IN THIS STATE THAT IS EQUIPPED WITH AN EVENT DATA RECORDER
3 SHALL BEGINNING WITH MODEL YEAR 2007 DISCLOSE THE PRESENCE,
4 CAPACITY, AND CAPABILITIES OF THE EVENT DATA RECORDER IN THE
5 OWNER'S MANUAL FOR THE VEHICLE.

6 (2) A DEALER WHO KNOWS OR HAS REASON TO KNOW THAT AN EVENT
7 DATA RECORDER IS INSTALLED IN A VEHICLE THAT IS FOR SALE SHALL
8 INCLUDE WITHIN THE SALES CONTRACT A CLEAR AND CONSPICUOUS STATEMENT
9 THAT AN EVENT DATA RECORDER IS INSTALLED IN THE VEHICLE.

10 (3) A PERSON OTHER THAN A DEALER WHO SELLS A MOTOR VEHICLE TO

1 ANOTHER PERSON AND WHO KNOWS OR HAS REASON TO KNOW THAT AN EVENT
2 DATA RECORDER IS INSTALLED IN THE VEHICLE SHALL INFORM THAT OTHER
3 PERSON THAT AN EVENT DATA RECORDER IS INSTALLED IN THE VEHICLE.

4 (4) A PERSON ENGAGED IN THE BUSINESS OF RENTING MOTOR VEHICLES
5 WHO KNOWS OR HAS REASON TO KNOW THAT AN EVENT DATA RECORDER IS
6 INSTALLED IN A VEHICLE FOR RENT BY THAT PERSON SHALL INCLUDE WITHIN
7 THE RENTAL AGREEMENT A CLEAR AND CONSPICUOUS STATEMENT THAT AN
8 EVENT DATA RECORDER IS INSTALLED IN THE VEHICLE.

9 (5) AN EMPLOYER WHO KNOWS OR HAS REASON TO KNOW THAT AN EVENT
10 DATA RECORDER IS INSTALLED IN A VEHICLE OWNED OR LEASED BY THAT
11 EMPLOYER SHALL INFORM EACH EMPLOYEE WHO USES THE VEHICLE, BEFORE
12 THE VEHICLE IS USED BY THAT EMPLOYEE, THAT AN EVENT DATA RECORDER
13 IS OR MAY BE INSTALLED IN THE VEHICLE.

14 (6) EXCEPT AS PROVIDED IN SUBSECTION (8) OR AS OTHERWISE
15 PROVIDED BY LAW, DATA RECORDED ON AN EVENT DATA RECORDER SHALL NOT
16 BE DOWNLOADED OR OTHERWISE RETRIEVED BY A PERSON OTHER THAN THE
17 OWNER OF THE MOTOR VEHICLE AT THE TIME THE DATA IS RECORDED OR WITH
18 THE CONSENT OF THE OWNER OR HIS OR HER AGENT OR LEGAL
19 REPRESENTATIVE, EXCEPT UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

20 (A) THE DATA IS RETRIEVED FOR THE PURPOSE OF IMPROVING MOTOR
21 VEHICLE SAFETY, INCLUDING FOR MEDICAL RESEARCH OF THE HUMAN BODY'S
22 REACTION TO MOTOR VEHICLE ACCIDENTS, AND THE IDENTITY OF THE
23 REGISTERED OWNER OR THE VEHICLE OPERATOR IS NOT DISCLOSED IN
24 CONNECTION WITH THAT RETRIEVED DATA. A PERSON AUTHORIZED TO
25 DOWNLOAD OR OTHERWISE RETRIEVE DATA FROM A RECORDING DEVICE UNDER
26 THIS SUBDIVISION SHALL NOT RELEASE THAT DATA, EXCEPT TO SHARE THE
27 DATA AMONG THE MOTOR VEHICLE SAFETY AND MEDICAL RESEARCH

1 COMMUNITIES TO ADVANCE MOTOR VEHICLE SAFETY, AND ONLY IF THE
2 IDENTITY OF THE REGISTERED OWNER OR THE VEHICLE OPERATOR IS NOT
3 DISCLOSED. FOR PURPOSES OF THIS SUBDIVISION, THE DISCLOSURE OF THE
4 VEHICLE IDENTIFICATION NUMBER, WITH THE LAST 4 DIGITS DELETED, FOR
5 THE PURPOSE OF IMPROVING VEHICLE SAFETY, INCLUDING FOR MEDICAL
6 RESEARCH OF THE HUMAN BODY'S REACTION TO MOTOR VEHICLE ACCIDENTS,
7 DOES NOT CONSTITUTE THE DISCLOSURE OF THE IDENTITY OF THE
8 REGISTERED OWNER OR THE VEHICLE OPERATOR.

9 (B) THE DATA IS RETRIEVED BY A DEALER OR BY AN AUTOMOTIVE
10 TECHNICIAN FOR THE PURPOSE OF DIAGNOSING, SERVICING, OR REPAIRING
11 THE MOTOR VEHICLE.

12 (7) A PERSON, INCLUDING A SERVICE OR DATA PROCESSOR OPERATING
13 ON BEHALF OF THE PERSON, AUTHORIZED TO DOWNLOAD OR OTHERWISE
14 RETRIEVE DATA FROM AN EVENT DATA RECORDER UNDER SUBSECTION (6) (A)
15 SHALL NOT RELEASE THAT DATA EXCEPT AS FOLLOWS:

16 (A) FOR THE PURPOSES OF MOTOR VEHICLE SAFETY AND MEDICAL
17 COMMUNITIES TO ADVANCE MOTOR VEHICLE SAFETY, SECURITY, OR TRAFFIC
18 MANAGEMENT.

19 (B) TO A DATA PROCESSOR SOLELY FOR THE PURPOSES PERMITTED BY
20 THIS SUBSECTION AND ONLY IF THE IDENTITY OF THE REGISTERED OWNER OR
21 THE VEHICLE OPERATOR IS NOT DISCLOSED.

22 (8) IF A MOTOR VEHICLE IS EQUIPPED WITH A RECORDING DEVICE
23 THAT IS CAPABLE OF RECORDING OR TRANSMITTING INFORMATION RELATING
24 TO VEHICLE LOCATION DATA OR CONCERNING AN ACCIDENT TO A CENTRAL
25 COMMUNICATIONS SYSTEM AND THAT CAPABILITY IS PART OF A SUBSCRIPTION
26 SERVICE, THE FACT THAT THE INFORMATION MAY BE RECORDED OR
27 TRANSMITTED SHALL BE DISCLOSED IN THE TERMS AND CONDITIONS OF THE

1 SUBSCRIPTION SERVICE. SUBSECTION (6) DOES NOT APPLY TO A
2 SUBSCRIPTION SERVICE THAT MEETS THE REQUIREMENTS OF THIS
3 SUBSECTION.

4 (9) AS USED IN THIS SECTION:

5 (A) "EVENT DATA RECORDER" MEANS A DEVICE THAT IS INSTALLED IN
6 A MOTOR VEHICLE AND THAT DOES ANY OF THE FOLLOWING FOR THE PURPOSE
7 OF RETRIEVING DATA:

8 (i) RECORDS THE SPEED OF THE VEHICLE AND THE DIRECTION THE
9 MOTOR VEHICLE IS TRAVELING.

10 (ii) RECORDS VEHICLE LOCATION DATA.

11 (iii) RECORDS STEERING PERFORMANCE.

12 (iv) RECORDS BRAKE PERFORMANCE, INCLUDING WHETHER BRAKES WERE
13 APPLIED BEFORE AN ACCIDENT.

14 (v) RECORDS THE VEHICLE OPERATOR'S SAFETY BELT STATUS.

15 (vi) HAS THE ABILITY TO TRANSMIT INFORMATION CONCERNING AN
16 ACCIDENT IN WHICH THE VEHICLE HAS BEEN INVOLVED TO A CENTRAL
17 COMMUNICATIONS SYSTEM WHEN AN ACCIDENT OCCURS.

18 (B) "OWNER" MEANS ANY OF THE FOLLOWING:

19 (i) A PERSON HAVING ALL THE INCIDENTS OF OWNERSHIP, INCLUDING
20 THE LEGAL TITLE OF A VEHICLE REGARDLESS OF WHETHER THE PERSON
21 LENDS, RENTS, OR CREATES A SECURITY INTEREST IN THE VEHICLE.

22 (ii) A PERSON ENTITLED TO THE POSSESSION OF A VEHICLE AS THE
23 PURCHASER UNDER A SECURITY AGREEMENT.

24 (iii) THE PERSON ENTITLED TO POSSESSION OF THE VEHICLE AS LESSEE
25 UNDER A WRITTEN LEASE AGREEMENT, IF THE AGREEMENT AT INCEPTION IS
26 FOR A PERIOD OF MORE THAN 3 MONTHS.