



Senate

General Assembly

File No. 609

February Session, 2006

Substitute Senate Bill No. 592

Senate, April 24, 2006

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this
2 section, "event data recorder" means a device installed in a passenger
3 motor vehicle, as defined in section 14-1 of the 2006 supplement to the
4 general statutes, that (1) records (A) the speed at which the motor
5 vehicle is traveling, (B) the direction in which the motor vehicle is
6 traveling, (C) a history of where the vehicle travels, (D) steering
7 performance data, (E) brake performance data, including, but not
8 limited to, whether the brakes were applied before an accident, or (F)
9 the usage of the driver's seat belt, or (2) is capable of transmitting data
10 concerning an accident in which the motor vehicle is involved to a
11 central communications system.

12 (b) Except as provided in subsection (c) of this section, no peace

13 officer, as defined in section 53a-3 of the general statutes, may obtain
 14 or use data stored on or transmitted from an event data recorder
 15 unless (1) the owner or lessee of the motor vehicle consents in writing,
 16 (2) the officer obtains the data pursuant to a search warrant issued by a
 17 judge of the Superior Court or a judge trial referee under the
 18 provisions of section 54-33a of the general statutes, or (3) the motor
 19 vehicle was involved in a collision that resulted in a fatality.

20 (c) Data stored on or transmitted from an event data recorder may
 21 be obtained or used by a peace officer without obtaining consent or a
 22 search warrant as required in subsection (b) of this section if the data is
 23 stored or transmitted pursuant to a subscription agreement and the
 24 subscription agreement discloses that the data may be stored or
 25 transmitted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill would not result in a fiscal impact to the Department of Public Safety, municipal police departments or the Judicial Department, as it conforms statute to current practice.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 592*****AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.*****SUMMARY:**

This bill prohibits a peace officer from obtaining or using information stored on or transmitted from an event data recorder in a passenger motor vehicle unless the (1) vehicle's owner or lessee consents in writing, (2) officer gets the information pursuant to a search warrant, or (3) motor vehicle was involved in a collision that resulted in a fatality.

The bill also allows data stored on or transmitted from an event data recorder to be obtained or used by a peace officer without obtaining consent or a search warrant if the data is stored or transmitted pursuant to a subscription agreement and the subscription agreement discloses that the data may be stored or transmitted.

The bill defines an "event data recorder" as a device installed in a passenger motor vehicle that has the ability to transmit information about an accident in which the vehicle is involved to a central communications system, or records (1) vehicle speed and direction of travel; (2) steering and brake performance, including whether brakes were applied before an accident; (3) a history of where the vehicle travels; or (4) driver seat belt usage.

EFFECTIVE DATE: October 1, 2006

BACKGROUND***Peace Officer***

Besides members of the Division of State Police and local police officers, "peace officer" includes inspectors of the Division of Criminal Justice; state and judicial marshals performing their duties; conservation or special conservation officers; constables who perform criminal law enforcement duties, certain special policemen (for state property, public assistance fraud investigation, or public utility or transportation companies); adult probation officers; Department of Correction personnel authorized by the commissioner to make arrests in correctional facilities; investigators from the State Treasurer's office; or special federal agents authorized to enforce federal food and drug laws.

Event Data Recorders

Event data recorders are devices installed in some models of motor vehicles that perform functions similar to flight data recorders in aircraft. Not all motor vehicles are currently equipped with event data recorders but the number of models so equipped is increasing. There is no standard event data recorder. Some track a relatively small amount of data such as vehicle acceleration and deceleration. Others track more data such as speed, braking, steering, seat belt use, air bag deployment, and other information. Typically, they record and erase data so that the most recent five to eight seconds of data are retained. After a collision, some recorders can move this data to memory and record up to six seconds of data relating to what happens after the start of the crash, such as the timing and deployment of air bags and initiation of an automatic collision notification system.

Legislative History

The Senate referred the bill to the Public Safety Committee on April 13, which reported a substitute on April 18. The substitute added the provision allowing a peace officer to obtain or use event data recorder information in a passenger motor vehicle that was involved in a fatal collision without either the written consent of the vehicle owner or lessee or a search warrant.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 25 Nay 13 (03/27/2006)

Public Safety and Security Committee

Joint Favorable Substitute

Yea 12 Nay 9 (04/18/2006)