



# Senate

General Assembly

**File No. 511**

January Session, 2007

Senate Bill No. 974

*Senate, April 17, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the 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, 2007*) (a) As used in this  
2 section: (1) "Event data recorder" means a device installed in a  
3 passenger motor vehicle, as defined in section 14-1 of the general  
4 statutes, that (A) records (i) the speed at which the motor vehicle is  
5 traveling, (ii) the direction in which the motor vehicle is traveling, (iii)  
6 steering performance data, (iv) brake performance data, including, but  
7 not limited to, whether the brakes were applied before an accident, (v)  
8 the usage of the operator's seat belt, (vi) engine speed, or (vii) throttle  
9 position, or (B) is capable of transmitting data concerning an accident  
10 in which the motor vehicle is involved to a central communications  
11 system; and (2) "lessee" means an individual who leases a passenger  
12 motor vehicle pursuant to a written lease for such individual's  
13 personal use for a period greater than three months.

14 (b) (1) Except as provided in subsection (c) of this section, no person,  
15 except the registered owner of the motor vehicle that contains the  
16 event data recorder, or the person's representative, may retrieve,  
17 obtain or use data stored on or transmitted from the event data  
18 recorder unless:

19 (A) The individual who is the registered owner or lessee of the  
20 motor vehicle at the time the data is recorded, or the person's  
21 representative, consents in writing;

22 (B) The data is retrieved or obtained by a peace officer, as defined in  
23 section 53a-3 of the general statutes, pursuant to a search warrant  
24 issued by a judge of the Superior Court or a judge trial referee under  
25 the provisions of section 54-33a of the general statutes, or by any court  
26 of competent jurisdiction;

27 (C) The data is used for the purpose of improving motor vehicle  
28 safety, security or traffic management, including the purpose of  
29 medical research on physical reaction to motor vehicle accidents,  
30 provided the identity of the registered owner, operator or other  
31 occupant of the motor vehicle is not disclosed with respect to the data,  
32 except that the disclosure of a vehicle identification number with the  
33 last four numbers deleted for such purposes shall not constitute  
34 disclosure of the identity of the registered owner; or

35 (D) The data is retrieved or obtained by a licensed new car dealer, as  
36 defined in section 14-51 of the general statutes, a repairer, as defined in  
37 section 14-51 of the general statutes, or the manufacturer, as defined in  
38 section 14-1 of the general statutes, that manufactured the motor  
39 vehicle, and used for the purpose of diagnosing, servicing or repairing  
40 the motor vehicle.

41 (2) Any person who retrieves or obtains such data, except a peace  
42 officer who retrieves or obtains such data pursuant to subparagraph  
43 (B) of subdivision (1) of this subsection, shall not further disclose such  
44 data, except that such person may further disclose such data as  
45 provided in subparagraph (C) or (D) of subdivision (1) of this

46 subsection if the identity of the owner, operator or other occupant is  
47 not disclosed.

48 (c) Data from an event data recorder may be retrieved, obtained and  
49 used by a subscription service provider pursuant to a subscription  
50 agreement if the subscription agreement discloses that the data may be  
51 stored and transmitted, provided such data may not be further  
52 disclosed except as provided in subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>October 1, 2007</i>	New section
-----------	------------------------	-------------

**JUD**      *Joint Favorable*

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 chamber thereof for any purpose:

---

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill makes various exceptions for obtaining and using information from an event data recorder, and prohibits disclosing the information that has been obtained, unless a warrant has been issued for such purposes. The bill is not anticipated to result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****SB 974*****AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.*****SUMMARY:**

The bill prohibits anyone other than the registered motor vehicle's owner or representative, from retrieving, obtaining, or using data stored on or transmitted from the event data recorder in the motor vehicle unless:

1. the registered owner or lessee of the motor vehicle when the data is recorded, or his or her representative, consents in writing;
2. the data is retrieved or obtained by a peace officer under a search warrant issued by a Superior Court judge or a judge trial referee, or by any other court of competent jurisdiction;
3. the data is retrieved, obtained, and used by a subscription service provider under a subscription agreement, if the agreement discloses that the data may be stored and transmitted, and if is not further disclosed except as the bill allows;
4. the data is retrieved or obtained by a licensed new car dealer or the motor vehicle manufacturer and used to diagnose, service, or repair the motor vehicle; or
5. the data is used to improve motor vehicle safety, security, or traffic management, including medical research on physical reaction to motor vehicle accidents, if the identity of the registered owner, operator, or other occupant is not disclosed

with respect to the data. The bill specifies that the disclosure of a vehicle identification number with the last four numbers deleted does not constitute disclosure of the registered owner's identity.

The bill prohibits anyone who retrieves or obtains such data, except a peace officer under a warrant, from further disclosing such data. The prohibition does not apply to data retrieved by the dealer or manufacturer; used to improve safety, security, or traffic management; or used for medical research on physical reaction to motor vehicle accidents, as long as the identity of the owner, operator, or other occupant is not disclosed in any of these cases.

The bill defines a "lessee" as an individual who leases a passenger motor vehicle pursuant to a written lease for his personal use for a period greater than three months.

EFFECTIVE DATE: October 1, 2007

## **EVENT DATA RECORDER**

The bill defines an "event data recorder" as a device that:

1. is capable of transmitting data on an accident to a central communications system or
2. records (a) vehicle speed and direction of travel; (b) steering and brake performance data, including whether the brakes were applied before an accident; (c) driver seat belt usage; (d) engine speed; or (e) throttle position.

## **BACKGROUND**

### ***Peace Officer***

Besides state 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 police officers (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.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 39    Nay 0    (04/02/2007)