

House Bill 69

By: Representatives Spencer of the 180<sup>th</sup>, Tarvin of the 2<sup>nd</sup>, Stover of the 71<sup>st</sup>, Pezold of the 133<sup>rd</sup>, Turner of the 21<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and  
2 traffic, so as to regulate the use and distribution of motor vehicle event data; to provide a  
3 short title; to provide for definitions; to provide for penalties; to provide for related matters;  
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
8 amended by adding a new chapter to read as follows:

9 "CHAPTER 17

10 40-17-1.

11 This chapter shall be known and may be cited as the 'Motor Vehicle Event Data Recorder  
12 Act.'

13 40-17-2.

14 As used in this chapter, the term:

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

17 (i) Vehicle air bag deployment;

18 (ii) Vehicle speed;

19 (iii) Vehicle steering performance;

20 (iv) Vehicle brake performance or use; or

21 (v) Vehicle seatbelt status or use.

22 (B) Event data shall not include audio or video data.

23 (2) 'Event data recorder' has the same meaning as defined in 49 C.F.R. Section 563.5 as  
 24 in effect on July 1, 2015.

25 (3)(A) 'Owner' means:

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

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

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

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

36 40-17-3.

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

38 (A) Is private;

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

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

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

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

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

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

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

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

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

57 (6) To facilitate or determine the need for emergency medical care for the driver or  
 58 passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency.

59 including the retrieval of data from a company that provides subscription services to the  
60 owner of a motor vehicle for in-vehicle safety and security communications.

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

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

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

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

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

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

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

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

83 (f) Any person knowingly retrieving, obtaining, or using event data that is recorded on an  
84 event data recorder in violation of this Code section shall be guilty of a misdemeanor."

85 **SECTION 2.**

86 All laws and parts of laws in conflict with this Act are repealed.