

The House Committee on Motor Vehicles offers the following substitute to HB 69:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,
2 relating to equipment of motor vehicles, so as to regulate the use and distribution of motor
3 vehicle event data; to provide a short title; to provide for definitions; to provide for penalties;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to
8 equipment of motor vehicles, is amended by adding a new part to read as follows:

9 "Part 7

10 40-8-120.

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

12 40-8-121.

13 As used in this part, the term:

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

16 (i) Vehicle air bag deployment;

17 (ii) Vehicle speed;

18 (iii) Vehicle steering performance;

19 (iv) Vehicle brake performance or use; or

20 (v) Vehicle seatbelt status or use.

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

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

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

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

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

29 (iii) A person entitled to possession of a motor vehicle as a lessee under a written
 30 lease agreement provided that the period of such lease agreement is greater than three
 31 months.

32 (B) 'Owner' shall not include a security interest holder unless the security interest
 33 holder obtains a lien upon a motor vehicle by operation of law for default upon a loan
 34 or other security agreement.

35 40-8-122.

36 (a) Event data that is recorded on an event data recorder is the private and personal
 37 information of the owner of a motor vehicle and may not be retrieved by anyone other than
 38 the owner of the motor vehicle except as provided for in subsection (b) of this Code
 39 section.

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

42 (1) An owner of the motor vehicle or agent thereof consents to the retrieval of the data;

43 (2) The event data is retrieved by a motor vehicle dealer, motor vehicle manufacturer,
 44 or an automotive technician to diagnose, service, or repair the motor vehicle;

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

47 (4) A court or administrative agency of competent jurisdiction orders the retrieval of the
 48 event data;

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

52 (6) Such event data is necessary to facilitate or determine the need for emergency
 53 medical care for the driver or passenger of a motor vehicle that is involved in a motor
 54 vehicle crash or other emergency, including the retrieval of event data from a company
 55 that provides subscription services to the owner of a motor vehicle for in-vehicle safety
 56 and security communications; or

57 (7) Done so pursuant to a subscription agreement, provided that the information derived
 58 from the event data is used in accordance with the terms of such agreement.

59 (c) For purposes of this Code section if a motor vehicle is owned by more than one person,
60 consent of one owner shall be sufficient to consent to the retrieval or use of the event data
61 from a motor vehicle event data recorder by a person other than an owner.

62 (d) A person who has retrieved, obtained, or used event data pursuant to subsection (b) of
63 this Code section may not disseminate such event data except as provided in subsection (e)
64 of this Code section.

65 (e) A person may disseminate event data that is recorded on an event data recorder when:

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

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

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

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

76 (5) Done so pursuant to a subscription agreement, provided that the information is used
77 in accordance with the terms of such agreement.

78 (f) If a motor vehicle is equipped with an event data recorder that is capable of recording
79 or transmitting event data and that capability is part of a subscription service, the fact that
80 the event data may be recorded or transmitted shall be disclosed in the subscription service
81 agreement. The conditions under which event data may be retrieved, used, or disseminated
82 shall be clearly stated in a subscription service agreement.

83 (g) Any person who knowingly retrieves, obtains, disseminates, or uses event data from
84 an 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.