

By: Representative Blackmon

To: Transportation

HOUSE BILL NO. 119

1 AN ACT TO PROVIDE THAT A MANUFACTURER OF A NEW MOTOR VEHICLE
 2 MANUFACTURED ON OR AFTER JULY 1, 2006, THAT IS SOLD OR LEASED IN
 3 THIS STATE AND THAT IS EQUIPPED WITH CERTAIN EVENT DATA RECORDING
 4 DEVICES MUST DISCLOSE THAT FACT IN THE OWNER'S MANUAL FOR THE
 5 VEHICLE; TO PROHIBIT SPECIFIED DATA THAT IS RECORDED ON SUCH A
 6 DEVICE FROM BEING DOWNLOADED OR OTHERWISE RETRIEVED BY A PERSON
 7 OTHER THAN THE REGISTERED OWNER OF THE MOTOR VEHICLE EXCEPT UNDER
 8 SPECIFIED CIRCUMSTANCES; TO REQUIRE A MOTOR VEHICLE SUBSCRIPTION
 9 SERVICE AGREEMENT TO DISCLOSE THAT SPECIFIED INFORMATION MAY BE
 10 RECORDED OR TRANSMITTED AS PART OF THE SUBSCRIPTION SERVICE; AND
 11 FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** (1) The manufacturer of a motor vehicle
 14 manufactured on or after July 1, 2006, that is sold or leased in
 15 this state, and that is equipped with one or more recording
 16 devices commonly referred to as "event data recorders (EDR)" or
 17 "sensing and diagnostic modules (SDM)," shall disclose that fact
 18 in the owner's manual for the vehicle.

19 (2) As used in this section, "recording device" means a
 20 device that is installed by the manufacturer of the vehicle and
 21 does one or more of the following, for the purpose of retrieving
 22 data after an accident:

23 (a) Records how fast and in which direction the motor
 24 vehicle is traveling;

25 (b) Records a history of where the motor vehicle
 26 travels;

27 (c) Records steering performance;

28 (d) Records brake performance including, but not
 29 limited to, whether brakes were applied before an accident;

30 (e) Records the driver's seatbelt status; or

31 (f) Has the ability to transmit information concerning
32 an accident in which the motor vehicle has been involved to a
33 central communications system when an accident occurs.

34 (3) Data described in subsection (1) of this section that is
35 recorded on a recording device may not be downloaded or otherwise
36 retrieved by a person other than the registered owner of the motor
37 vehicle, except under one of the following circumstances:

38 (a) The registered owner of the motor vehicle consents
39 to the retrieval of the information;

40 (b) In response to an order of a court having
41 jurisdiction to issue the order;

42 (c) For the purpose of improving motor vehicle safety,
43 including for medical research of the human body's reaction to
44 motor vehicle accidents, and the identity of the registered owner
45 or driver is not disclosed in connection with that retrieved data.
46 The disclosure of the vehicle identification number (VIN) for the
47 purpose of improving vehicle safety, including for medical
48 research of the human body's reaction to motor vehicle accidents,
49 does not constitute the disclosure of the identity of the
50 registered owner or driver; or

51 (d) The data is retrieved by a licensed new motor
52 vehicle dealer, or by an automotive technician or mechanic, for
53 the purpose of diagnosing, servicing or repairing the motor
54 vehicle.

55 (4) A person authorized to download or otherwise retrieve
56 data from a recording device under subsection (3)(c) of this
57 section, may not release that data, except to share the data among
58 the motor vehicle safety and medical research communities, to
59 advance motor vehicle safety, and only if the identity of the
60 registered owner or driver is not disclosed.

61 (5) (a) If a motor vehicle is equipped with a recording
62 device that is capable of recording or transmitting information as
63 described in subsection (2)(b) or (2)(f) of this section and that

64 capability is part of a subscription service, the fact that the
65 information may be recorded or transmitted shall be disclosed in
66 the subscription service agreement.

67 (b) Subsection (3) does not apply to subscription
68 services meeting the requirements of paragraph (a) of this
69 subsection.

70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2006.