

[First Reprint]

ASSEMBLY, No. 2090

STATE OF NEW JERSEY

211th LEGISLATURE

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Sponsored by:

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District 20 (Union)

Assemblyman JOHN J. BURZICHELLI

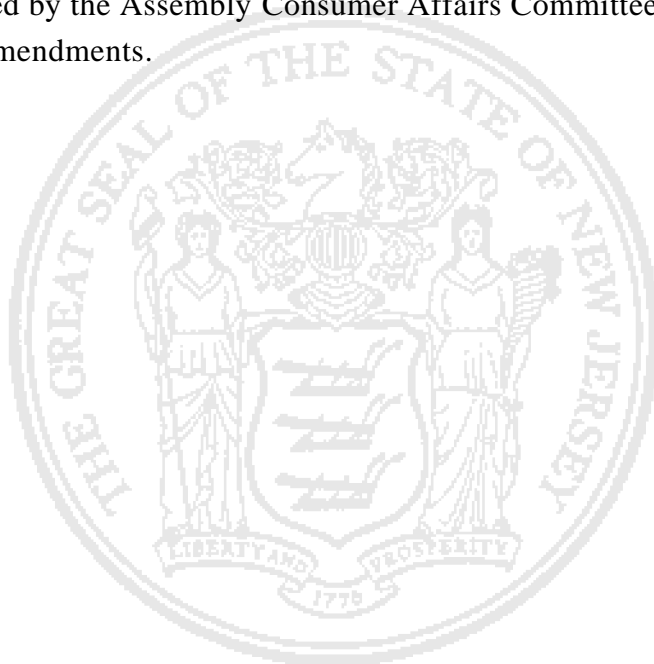
District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Requires motor vehicle manufacturers and subscription services to make disclosures about recording devices; regulates release of recording device data.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on October 4, 2004, with amendments.



(Sponsorship Updated As Of: 10/5/2004)

1 AN ACT concerning disclosures by motor vehicle manufacturers and
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 "Dealer" means a person who is actively engaged in the business of
9 buying, selling or exchanging motor vehicles at retail and who has an
10 established place of business.

11 "Lease agreement" means a contract or other written agreement in
12 the form of a lease for the use of a motor vehicle by a person for a
13 period of time exceeding 60 days, whether or not the lessee has the
14 option to purchase or otherwise become the owner of the motor
15 vehicle at the expiration of the lease.

16 "Manufacturer" means a person engaged in the business of
17 manufacturing, assembling or distributing motor vehicles, who will,
18 under normal business conditions during the year, manufacture,
19 assemble or distribute to dealers at least 10 new motor vehicles.

20 "Motor vehicle" means a motor vehicle as defined in R.S.39:1-1.

21 "Recording device" means a device that is installed by the
22 manufacturer of the motor vehicle, and does one or more of the
23 following for the purpose of retrieving data after an accident:

- 24 (1) Records the motor vehicle's speed and direction;
25 (2) Records a history of where the motor vehicle travels;
26 (3) Records steering performance;
27 (4) Records brake performance, including, but not limited to,
28 whether brakes were applied before an accident;
29 (5) Records the driver's seat belt status; or
30 (6) Transmits information concerning an accident in which the
31 motor vehicle has been involved to a central communications system

32 ¹; and
33 may be commonly referred to as an event data recorder or a sensing
34 and diagnostic module¹.

35 "Subscription service" means a business entity that, for a fee,
36 provides cellular phone technology capabilities that allow a recording
37 device to record a history of where a motor vehicle travels or that
38 allow transmission to a central communications system information
39 concerning an accident in which a motor vehicle subscribing to the
40 service has been involved.

41
42 2. a. A manufacturer of a motor vehicle that is sold or leased

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted October 4, 2004.

1 under a lease agreement in this State, and that is equipped with a
2 recording device ¹[commonly referred to as an event data recorder or
3 a sensing and diagnostic module]¹, shall disclose that fact in the
4 owner's manual for the motor vehicle ¹or through a written statement
5 either mailed by the manufacturer to the registered owner of the motor
6 vehicle, or delivered by the dealer, at the time of sale, to the buyer of
7 the motor vehicle, in accordance with guidelines prescribed by the
8 Director of the Division of Consumer Affairs¹.

9 b. Data recorded on a recording device may not be downloaded or
10 otherwise retrieved by a person other than the registered owner of the
11 motor vehicle, except under one of the following circumstances:

12 (1) The registered owner of the motor vehicle consents to the
13 retrieval of the information;

14 (2) A court that has jurisdiction orders the retrieval; or

15 (3) A motor vehicle dealer or an automotive technician retrieves
16 the data for the purpose of diagnosing, servicing or repairing the
17 motor vehicle.

18 c. A person authorized to download or otherwise retrieve data
19 from a recording device pursuant to subsection b. of this section, shall
20 not release that data, except to share the data among the motor vehicle
21 safety and medical research communities to advance motor vehicle
22 safety, and only if the identity of the registered owner or driver is not
23 disclosed.

24 d. (1) If a motor vehicle is equipped with a recording device that
25 is capable of recording or transmitting information concerning where
26 a motor vehicle travels or an accident in which the motor vehicle has
27 been involved and that capability is part of a subscription service, the
28 fact that the information may be recorded or transmitted shall be
29 disclosed by the subscription service in the subscription service
30 agreement.

31 (2) Subsection b. of this section shall not apply to a subscription
32 service that meets the requirements of paragraph (1) of this subsection.

33
34 ¹3. The registered owner of a motor vehicle shall have the right to
35 disable, or to have disabled, any recording device in that vehicle.¹

36
37 ¹[3.] 4.¹ It is an unlawful practice and a violation of P.L.1960,
38 c.39 (C. 56:8-1 et seq.) to violate the provisions of this act.

39
40 ¹[4] 5¹. This act shall take effect immediately ¹[and shall apply to
41 all motor vehicles manufactured on or after July 1, 2004]¹.