

CALIFORNIA ASSEMBLY 2003
BILL NUMBER AB 213
SIGNED INTO LAW ON SEPTEMBER 22, 2003

An act to add Section 9951 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 213, Leslie. Vehicles: manufacturers: disclosure.

Existing law sets forth various provisions governing vehicle manufacturers. Those provisions include the requirement that manufacturers disclose in the owner's manual, or other written material, as specified, of a new motor vehicle sold in this state, the fact that the vehicle, as equipped, may not be operated with tire chains.

This bill would require a manufacturer of a new motor vehicle sold or leased in this state that is equipped with one or more recording devices, commonly referred to as "event data recorders (EDR)" or "sensing and diagnostic modules (SDM)," to disclose that fact in the owner's manual for the vehicle. The bill would prohibit specified data that is recorded on a recording device from being downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under specified circumstances. The bill would also require a subscription service agreement to disclose that specified information may be recorded or transmitted as part of the subscription service.

The bill would provide that it applies to all motor vehicles manufactured on or after July 1, 2004.

Because a violation of the Vehicle Code is an infraction, the bill would create new infractions, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 9951 is added to the Vehicle Code, to read:

9951. (a) A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one or more recording devices commonly referred to as "event data recorders (EDR)" or "sensing and diagnostic modules (SDM)," shall disclose that fact in the owner's manual for the vehicle.

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

traveling.

- (1) Records how fast and in which direction the motor vehicle is

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- (2) Records a history of where the motor vehicle travels.

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- (3) Records steering performance.

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- (4) Records brake performance, including, but not limited to, whether brakes were applied before an accident.

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- (5) Records the driver's seatbelt status.

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

(c) Data described in subdivision (b) that is recorded on a recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under one of the following circumstances:

- (1) The registered owner of the motor vehicle consents to the retrieval of the information.

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- (2) In response to an order of a court having jurisdiction to issue the order.

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- (3) For the purpose of improving motor vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, and the identity of the registered owner or driver is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number (VIN) for the purpose of improving vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, does not constitute the disclosure of the identity of the registered owner or driver.

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- (4) The data is retrieved by a licensed new motor vehicle dealer, or by an automotive technician as defined in Section 9880.1 of the Business and Professions Code, for the purpose of diagnosing, servicing, or repairing the motor vehicle.

(d) A person authorized to download or otherwise retrieve data from a recording device pursuant to paragraph (3) of subdivision (c), may not release that data, except to share the data among the motor vehicle safety and medical research communities, to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

(e) (1) If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information as described in paragraph (2) or (6) of subdivision (b) and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the subscription service agreement.

(2) Subdivision (c) does not apply to subscription services meeting the requirements of paragraph (1).

(f) This section applies to all motor vehicles manufactured on or after July 1, 2004.

SECTION 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.