

112TH CONGRESS
1ST SESSION

H. R. 2374

To require automobile dealers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. CAPUANO introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require automobile dealers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) from the standpoint of consumer privacy
6 rights, most consumers are not aware that their ve-
7 hicles are recording data that not only may be used

1 to aid traffic safety analyses, but has the potential
2 of being used against them in a civil or criminal pro-
3 ceeding, or by their insurer to increase rates; and

4 (2) there exists no Federal law clarifying the
5 rights of a vehicle owner to ownership of the re-
6 corded data and, in the absence of Federal direction,
7 States have begun to create different standards of
8 ownership and rights for recorded data.

9 **SEC. 2. OWNERSHIP AND UNLAWFUL RETRIEVAL OF EVENT**

10 **DATA RECORDER DATA.**

11 (a) OWNERSHIP RIGHTS; CONDUCT PROHIBITED.—
12 Any event data recorder in a motor vehicle and any data
13 recorded on any event data recorder in a motor vehicle
14 shall be considered the property of the owner of the motor
15 vehicle. It shall be unlawful for any person other than the
16 owner of the motor vehicle to download or otherwise re-
17 trieve data that is recorded on any event data recorder
18 except under one of the following circumstances:

19 (1) The owner of the motor vehicle or the own-
20 er's agent or legal representative consents to the re-
21 trieve of the information.

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

24 (3) The data is retrieved by a motor vehicle
25 dealer, or by an automotive technician for the pur-

1 pose of diagnosing, servicing, or repairing the motor
2 vehicle.

3 (4) For the purpose of improving motor vehicle
4 safety, including medical research on the human
5 body's reaction to motor vehicle accidents, provided
6 that the identity of the registered owner or driver is
7 not disclosed in connection with that retrieved data.

8 (b) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-
9 CEPTIVE ACTS OR PRACTICES.—A violation of subsection
10 (a) shall be treated as a violation of a rule defining an
11 unfair or deceptive act or practice prescribed under section
12 18(a)(1)(B) of the Federal Trade Commission Act (15
13 U.S.C. 57a(a)(1)(B)).

14 (c) FEDERAL TRADE COMMISSION AUTHORITY.—
15 The Federal Trade Commission shall enforce this section
16 in the same manner, by the same means, and with the
17 same jurisdiction, powers, and duties as though all appli-
18 cable terms and provisions of the Federal Trade Commis-
19 sion Act (15 U.S.C. 41 et seq.) were incorporated into and
20 made a part of this section.

21 (d) DEFINITIONS.—As used in this section—

22 (1) the term “dealer” has the meaning given
23 that term in section 30102(a) of title 49, United
24 States Code;

11 (e) EFFECTIVE DATE.—This section shall take effect
12 180 days after the date of enactment of this Act.

13 SEC. 3. REQUIREMENT FOR EVENT DATA RECORDERS ON
14 NEW AUTOMOBILES.

15 Subchapter II of chapter 301 of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

20 "(a) REQUIREMENT.—It shall be unlawful for any
21 person to manufacture for sale, sell, offer for sale, intro-
22 duce, or deliver into interstate commerce, or import into
23 the United States, a new motor vehicle manufactured after
24 2011 (and bearing a model year of 2013 or later) that
25 is equipped with an event data recorder, unless such event

1 data recorder includes a function whereby the owner of
2 the motor vehicle has the option to enable or disable the
3 recording function of the event data recorder. Once dis-
4 abled, the recording function shall not resume functioning
5 until the owner elects to enable such functioning.

6 "(b) DEFINITIONS.—As used in the section, the term
7 'event data recorder' means any device or means of tech-
8 nology installed in an automobile that records information
9 such as vehicle speed, seatbelt use, application of brakes
10 or other information pertinent to the operation of the
11 automobile".

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