

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 286 (Senator Jacobs, *et al.*)
Judicial Proceedings

Vehicle Laws - Recording Devices - Limitations on Release of Information

This bill stipulates that data stored on a vehicle's "recording device" may only be disclosed to a person other than the vehicle owner: (1) on court order; (2) with the owner's consent; (3) to improve vehicle safety if the owner's or driver's identity is protected; or (4) to diagnose, repair, or service the vehicle. A person may release data retrieved from a recording device to conduct motor vehicle safety research, including medical research. The bill defines a recording device as an event data recorder (EDR) or sensing and diagnostic module installed in a vehicle to retrieve data after an accident and has the ability to: (1) record information such as direction and speed of the vehicle, steering performance, or the driver's seat belt status; or (2) transmit information concerning a vehicle accident to a central communications system.

Fiscal Summary

State Effect: None, assuming that the bill's exemption for release of information for diagnostic purposes allows for State-required emissions testing using on-board computer systems.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: State law does not address the disclosure of information collected from vehicle recording devices. However, disclosure requirements apply to other vehicle-related information. For example, the Motor Vehicle Administration (MVA) may only

make digital photographic images and signatures available to: (1) the courts; (2) criminal justice agencies; (3) driver license authorities; (4) the licensed individual; (5) the individual's attorney; (6) third parties designated by the individual; and (7) the Child Support Enforcement Administration. It may not otherwise permit public inspection of digital photographic images or signatures or the actual data stored thereof. Similarly, federal and State law prohibit disclosure of a vehicle owner's personal information (*e.g.*, the owner's name and address) without the owner's consent, unless the information is requested by a court or government agency for official purposes.

Background: EDRs have been installed as standard equipment in an increasingly large number of light motor vehicles in recent years. The National Highway Traffic Safety Administration (NHTSA) estimated in 2001 that all model year 2002 passenger vehicles contained some type of recording capability and more than half could record crash pulse data. The complexity and scope of EDRs vary widely – some systems only collect vehicle acceleration and deceleration data, while others collect braking and steering information and system status.

In 1997, the National Aeronautics and Space Administration Jet Propulsion Laboratory recommended that NHTSA study the feasibility of installing crash recorders on vehicles and obtaining crash data for safety analysis. NHTSA has been using EDRs to support its crash investigation program and convened a working group to study issues related to use of EDRs. The group concluded in 2001 that open access to EDR data, minus personal identifiers, will benefit researchers, crash investigators, and manufacturers in improving safety on the highways.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2004
mh/jr

Analysis by: Ann Marie Maloney

Direct Inquiries to:
(410) 946-5510
(301) 970-5510