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By: **Delegate Vallario**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Evidence - Motor Vehicle Accidents - Recording Devices**

3 FOR the purpose of prohibiting retrieval or disclosure of certain data stored in  
4 recording devices in a motor vehicle under certain circumstances; providing for  
5 certain exceptions; providing that certain data retrieved or disclosed contrary to  
6 the provisions of this Act is not discoverable or admissible as evidence in a  
7 judicial or administrative proceeding; requiring a manufacturer of a new motor  
8 vehicle sold or leased in the State on or after a certain date to provide a certain  
9 notice concerning certain recording devices in the owner's manual for the motor  
10 vehicle under certain circumstances; providing for the construction and  
11 application of this Act; defining a certain term; and generally relating to certain  
12 recording devices in motor vehicles.

13 BY adding to  
14 Article - Courts and Judicial Proceedings  
15 Section 10-313  
16 Annotated Code of Maryland  
17 (2002 Replacement Volume and 2005 Supplement)

18 BY adding to  
19 Article - Transportation  
20 Section 22-419  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume and 2005 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 10-313.

3 (A) IN THIS SECTION, "OWNER" INCLUDES A PERSON WHO IS A LESSEE OF A  
4 MOTOR VEHICLE UNDER A WRITTEN LEASE THAT IS FOR A PERIOD OF AT LEAST 90  
5 DAYS.

6 (B) THIS SECTION APPLIES TO A RECORDING DEVICE COMMONLY REFERRED  
7 TO AS AN "EVENT DATA RECORDER" OR A "SENSING AND DIAGNOSTIC MODULE"  
8 THAT:

9 (1) IS INSTALLED IN A MOTOR VEHICLE BY THE MANUFACTURER OF  
10 THE MOTOR VEHICLE FOR THE PURPOSE OF RETRIEVING DATA AFTER AN ACCIDENT;  
11 AND

12 (2) DOES AT LEAST ONE OF THE FOLLOWING:

13 (I) RECORDS THE MOTOR VEHICLE'S SPEED AND DIRECTION;

14 (II) RECORDS WHERE THE MOTOR VEHICLE TRAVELS;

15 (III) RECORDS STEERING PERFORMANCE;

16 (IV) RECORDS BRAKE PERFORMANCE, INCLUDING WHETHER  
17 BRAKES WERE APPLIED BEFORE AN ACCIDENT;

18 (V) RECORDS THE DRIVER'S SEAT BELT STATUS; OR

19 (VI) TRANSMITS INFORMATION CONCERNING AN ACCIDENT IN  
20 WHICH THE MOTOR VEHICLE IS INVOLVED TO A CENTRAL COMMUNICATIONS  
21 SYSTEM.

22 (C) DATA STORED ON A RECORDING DEVICE IN A MOTOR VEHICLE AFTER AN  
23 ACCIDENT MAY BE RETRIEVED OR DISCLOSED BY, OR WITH THE CONSENT OF, AN  
24 OWNER OF THE MOTOR VEHICLE AT THE TIME OF THE ACCIDENT OR THE LEGAL  
25 REPRESENTATIVE OF AN OWNER OF THE MOTOR VEHICLE AT THE TIME OF THE  
26 ACCIDENT FOR ANY PURPOSE.

27 (D) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY  
28 NOT RETRIEVE OR DISCLOSE DATA STORED ON A RECORDING DEVICE IN A MOTOR  
29 VEHICLE AFTER AN ACCIDENT.

30 (2) DATA FROM A RECORDING DEVICE THAT IS RETRIEVED OR  
31 DISCLOSED CONTRARY TO THE PROVISIONS OF THIS SECTION IS NOT DISCOVERABLE  
32 OR ADMISSIBLE AS EVIDENCE IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING.

33 (E) DATA STORED ON A RECORDING DEVICE IN A MOTOR VEHICLE AFTER AN  
34 ACCIDENT MAY BE RETRIEVED BY A PERSON:

35 (1) IN ACCORDANCE WITH AN ORDER OF A COURT;

1 (2) SUBJECT TO SUBSECTION (F) OF THIS SECTION, FOR THE PURPOSE  
2 OF IMPROVING MOTOR VEHICLE SAFETY, INCLUDING MEDICAL RESEARCH ON THE  
3 RESPONSE OF A HUMAN BODY INVOLVED IN A MOTOR VEHICLE ACCIDENT;

4 (3) ENGAGED IN THE BUSINESS OF DIAGNOSING, SERVICING, OR  
5 REPAIRING MOTOR VEHICLES FOR THE PURPOSE OF DIAGNOSING, SERVICING, OR  
6 REPAIRING THE MOTOR VEHICLE UNDER AN AGREEMENT WITH AN OWNER OF THE  
7 MOTOR VEHICLE AT THE TIME OF THE ACCIDENT;

8 (4) IF DATA STORED ON THE RECORDING DEVICE IS RETRIEVED IN  
9 ACCORDANCE WITH A SERVICE AGREEMENT ENTERED INTO BY AN OWNER OF THE  
10 MOTOR VEHICLE AND THE FACT THAT DATA MAY BE RETRIEVED IS DISCLOSED IN  
11 THE SERVICE AGREEMENT; OR

12 (5) FOR THE PURPOSE OF DETERMINING THE NEED FOR OR  
13 FACILITATING AN EMERGENCY MEDICAL RESPONSE IN THE EVENT OF A MOTOR  
14 VEHICLE ACCIDENT.

15 (F) (1) EXCEPT FOR THE PURPOSES ALLOWED IN THIS SECTION, A PERSON  
16 WHO RETRIEVES DATA FROM A RECORDING DEVICE IN A MOTOR VEHICLE MAY NOT  
17 DISCLOSE THE DATA.

18 (2) A PERSON WHO RETRIEVES DATA UNDER SUBSECTION (E)(2) OF THIS  
19 SECTION MAY NOT DISCLOSE THE IDENTITY OF THE PERSON WHO WAS AN OWNER  
20 OR DRIVER OF THE MOTOR VEHICLE AT THE TIME OF THE ACCIDENT.

21 (3) A DISCLOSURE OF A VEHICLE IDENTIFICATION NUMBER WITH THE  
22 LAST FOUR DIGITS DELETED DOES NOT CONSTITUTE A DISCLOSURE OF THE  
23 IDENTITY OF A PERSON WHO WAS AN OWNER OR DRIVER OF THE MOTOR VEHICLE AT  
24 THE TIME OF THE ACCIDENT.

25 (G) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS  
26 CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT AGAINST A  
27 PERSON WHO RETRIEVES OR DISCLOSES DATA STORED ON A RECORDING DEVICE IN  
28 A MOTOR VEHICLE.

29 **Article - Transportation**

30 22-419.

31 (A) THIS SECTION APPLIES TO A MOTOR VEHICLE MANUFACTURED ON OR  
32 AFTER OCTOBER 1, 2007.

33 (B) A MANUFACTURER OF A MOTOR VEHICLE SOLD OR LEASED IN THE STATE  
34 THAT IS EQUIPPED WITH A RECORDING DEVICE AS DEFINED IN § 10-313 OF THE  
35 COURTS ARTICLE SHALL DISCLOSE IN THE OWNER'S MANUAL FOR THE MOTOR  
36 VEHICLE THE FACT THAT THE MOTOR VEHICLE IS EQUIPPED WITH A RECORDING  
37 DEVICE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed to apply only prospectively and may not be applied or interpreted to have  
3 any effect on or application to any data stored on a recording device in a motor vehicle  
4 involved in an accident before the effective date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2006.