

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 201 (Senator Jacobs, *et al.*)  
Judicial Proceedings

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Vehicle Laws - Recording Devices - Limitations on Release of Information

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This bill limits the disclosure of data contained in a vehicle “recording device” and applies to vehicles manufactured on or after October 1, 2007.

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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.

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Analysis

**Bill Summary:** 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.

This bill applies only to motor vehicles manufactured on or after October 1, 2007, and provides that data stored on a vehicle’s EDR may only be disclosed to a person other than the vehicle owner:

- (1) with the owner's consent (or the owner's agent or legal representative);
- (2) on court order;
- (3) to improve vehicle safety, if the owner's or driver's identity is protected;
- (4) to diagnose, repair, or service the vehicle;
- (5) if the data is transmitted pursuant to a service agreement and the possibility of transmission is disclosed; or
- (6) to enable emergency medical response in the event of an accident.

A person may release data retrieved from a recording device, other than owner identification data, to conduct motor vehicle safety research, including medical research. Except as specified, a person who retrieves data may not disclose the data to another. A disclosure of the vehicle identification number with the last four digits deleted is not a disclosure of the identity of the vehicle's registered owner or driver. A manufacturer of a new motor vehicle sold or leased in Maryland that has such a recording device must disclose that fact in the owner's manual for the vehicle.

**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 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. 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 passenger 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. Currently, General Motors, Ford, and Isuzu

install EDRs in all new vehicles. It is estimated that more than 30 million vehicles on the roads contain EDRs.

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.

As more EDRs are installed in vehicles and more drivers become aware of their existence, privacy advocates have called on lawmakers to limit the use of the data. California enacted a law in 2004 that requires car manufacturers to disclose whether an EDR is installed, limits disclosure of EDR data, and requires protection of the owner's or driver's identity if data is disclosed.

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### **Additional Information**

**Prior Introductions:** This bill is similar to SB 286 of 2004, which received an unfavorable report from the Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, National Highway Traffic Safety Administration, *The Washington Examiner*, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2006  
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