

HOUSE BILL 1356

R6, C4

6lr0688

By: **Delegates Lam, Carr, Chang, Ebersole, Moon, and Platt**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Vehicle Event Data Recorders**

3 FOR the purpose of establishing that an event data recorder in certain motor vehicles and
4 any data recorded are the property of the motor vehicle owner; prohibiting a person
5 other than the owner of a motor vehicle from retrieving data from an event data
6 recorder, subject to certain exceptions; requiring the manufacturer of certain motor
7 vehicles that are equipped with event data recorders to disclose that fact in the
8 owner’s manual for the motor vehicle; requiring disclosure in a certain manner under
9 certain circumstances that certain data may be recorded or transmitted by event
10 data recorders; prohibiting a motor vehicle lessor from requiring the lessee to consent
11 to the retrieval or use of data on an event data recorder as a condition of the lease;
12 prohibiting a person from knowingly altering or deleting data on a vehicle event data
13 recorder or knowingly destroying the event data recorder within a certain time
14 period after a certain event; prohibiting an insurer under an automobile insurance
15 policy from considering for certain purposes the refusal of a motor vehicle owner to
16 consent to the retrieval or use of data on an event data recorder; prohibiting an
17 insurer from refusing to issue or renew an insurance contract due to refusal of a
18 motor vehicle owner to consent to the retrieval or use of data on an event data
19 recorder; prohibiting an insurer from conditioning the payment or settlement of an
20 owner’s claim on the owner’s consent to the retrieval or use of data on an event data
21 recorder; defining “event data recorder”; and generally relating to vehicle event data
22 recorders.

23 BY repealing and reenacting, with amendments,
24 Article – Insurance
25 Section 11–215
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2015 Supplement)

28 BY adding to
29 Article – Insurance

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 19–518
2 Annotated Code of Maryland
3 (2011 Replacement Volume and 2015 Supplement)

4 BY adding to
5 Article – Transportation
6 Section 22–103.1
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2015 Supplement)

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

11 **Article – Insurance**

12 11–215.

13 (a) All automobile insurance rates shall be made in accordance with the principles
14 set forth in this section.

15 (b) (1) An insurer under an automobile liability insurance policy may not
16 classify or maintain an insured for a period longer than 3 years in a classification that
17 entails a higher premium:

18 (i) because of a specific claim; or

19 (ii) because of the insured’s driving record.

20 (2) For the purpose of determining whether to classify an insured in a
21 classification that entails a higher premium, an insurer may review only a period not
22 greater than 3 years before:

23 (i) if the policy has not yet been issued:

24 1. the date of the application; or

25 2. the proposed effective date of the policy; or

26 (ii) on renewal of a policy, the effective date of the renewal.

27 (3) (i) The removal of a discount is not a violation of this subsection.

28 (ii) Subparagraph (i) of this paragraph may not be construed to
29 prevent an insurer from granting a claim–free discount to an insured.

30 (c) An insurer’s automobile and physical damage insurance premiums shall
31 reflect the reduction in claims, if any, attributable to the requirement that drivers under

1 the age of 18 years must acquire a provisional driver's license before acquiring a driver's
2 license.

3 (d) For purposes of reclassifying an insured in a classification that entails a
4 higher premium, an insurer under an automobile insurance policy may not consider
5 accident reports and abstracts of court convictions that relate to driving an emergency
6 vehicle and that are on record with the Motor Vehicle Administration, as provided in §
7 16–117(b) of the Transportation Article.

8 (e) For purposes of reclassifying an insured in a classification that entails a
9 higher premium, an insurer under an automobile insurance policy may not consider a
10 probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed
11 pursuant to § 21–202.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article, or
12 a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of
13 the Transportation Article on record with the Motor Vehicle Administration, as provided in
14 § 16–117(b) of the Transportation Article.

15 **(E–1) FOR PURPOSES OF RECLASSIFYING AN INSURED IN A CLASSIFICATION**
16 **THAT ENTAILS A HIGHER PREMIUM, AN INSURER UNDER AN AUTOMOBILE**
17 **INSURANCE POLICY MAY NOT CONSIDER THE REFUSAL OF THE OWNER OF A MOTOR**
18 **VEHICLE TO CONSENT TO THE RETRIEVAL OR USE OF DATA ON A MOTOR VEHICLE**
19 **EVENT DATA RECORDER, AS DEFINED UNDER § 22–103.1 OF THE TRANSPORTATION**
20 **ARTICLE.**

21 (f) If the insured under an automobile insurance policy notifies the insurer of a
22 change in circumstances that justifies reclassifying the insured in a different classification
23 or territory, the insurer shall adjust the premium charged the insured from the date of
24 notification.

25 (g) For motor vehicle personal injury and property damage coverage, an insurer
26 may provide a reduction in rates based on actuarial justification to an insured who:

27 (1) is at least 55 years old; and

28 (2) within the last 2 years, has completed successfully a course in accident
29 prevention:

30 (i) that is approved by the Motor Vehicle Administration;

31 (ii) that includes classroom instruction or practice driving of the
32 number of hours that the Motor Vehicle Administration requires; and

33 (iii) for which the insured has received a certificate that certifies the
34 completion of the course.

35 **19–518.**

1 (A) IN THIS SECTION, "EVENT DATA RECORDER" HAS THE MEANING STATED
2 IN § 22-103.1 OF THE TRANSPORTATION ARTICLE.

3 (B) AN INSURER MAY NOT:

4 (1) REFUSE TO ISSUE OR RENEW A CONTRACT OF MOTOR VEHICLE
5 INSURANCE BECAUSE THE OWNER OF THE MOTOR VEHICLE REFUSES TO CONSENT
6 TO THE RETRIEVAL OR USE OF DATA ON A MOTOR VEHICLE EVENT DATA RECORDER
7 AS A CONDITION OF THE CONTRACT; OR

8 (2) CONDITION THE PAYMENT OR SETTLEMENT OF AN OWNER'S
9 CLAIM ON THE OWNER'S CONSENT TO THE RETRIEVAL OR USE OF DATA ON A MOTOR
10 VEHICLE EVENT DATA RECORDER.

11 Article – Transportation

12 22-103.1.

13 (A) IN THIS SECTION, "EVENT DATA RECORDER" MEANS A DEVICE THAT IS
14 INSTALLED BY THE MANUFACTURER OF A MOTOR VEHICLE AND THAT PERFORMS
15 ONE OR MORE OF THE FOLLOWING FUNCTIONS TO CAPTURE DATA FOR RETRIEVAL
16 AFTER A MOTOR VEHICLE ACCIDENT:

17 (1) RECORDS MOTOR VEHICLE SPEED AND DIRECTION;

18 (2) RECORDS MOTOR VEHICLE LOCATION DATA;

19 (3) RECORDS VEHICLE STEERING PERFORMANCE;

20 (4) RECORDS MOTOR VEHICLE BRAKE PERFORMANCE AND ACTIVITY,
21 INCLUDING WHETHER BRAKES WERE APPLIED BEFORE THE ACCIDENT;

22 (5) RECORDS THE DRIVER'S SEATBELT STATUS; AND

23 (6) TRANSMITS INFORMATION CONCERNING AN ACCIDENT
24 INVOLVING THE MOTOR VEHICLE TO A CENTRAL COMMUNICATION SYSTEM.

25 (B) (1) IF A VEHICLE IS REGISTERED IN THE STATE, AN EVENT DATA
26 RECORDER IN THE MOTOR VEHICLE AND ANY DATA RECORDED ON THE EVENT DATA
27 RECORDER ARE THE PROPERTY OF THE MOTOR VEHICLE OWNER.

1 **(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**
2 **PERSON OTHER THAN THE OWNER OF THE MOTOR VEHICLE MAY NOT RETRIEVE**
3 **DATA FROM AN EVENT DATA RECORDER.**

4 **(C) A PERSON OTHER THAN THE OWNER OF A MOTOR VEHICLE MAY**
5 **RETRIEVE DATA FROM AN EVENT DATA RECORDER IF:**

6 **(1) THE OWNER OF THE MOTOR VEHICLE OR THE OWNER'S AGENT**
7 **CONSENTS TO RETRIEVAL OF THE DATA;**

8 **(2) A COURT ORDERS PRODUCTION OF THE DATA;**

9 **(3) RETRIEVAL OF THE DATA WOULD HELP IMPROVE MOTOR**
10 **VEHICLE SAFETY OR SECURITY OR TRAFFIC MANAGEMENT, INCLUDING MEDICAL**
11 **RESEARCH ON THE HUMAN BODY'S REACTION TO MOTOR VEHICLE CRASHES, AS**
12 **LONG AS THE IDENTITY OF THE DRIVER OR OWNER IS NOT DISCLOSED;**

13 **(4) THE DATA IS RETRIEVED BY A LICENSED MOTOR VEHICLE DEALER**
14 **OR AN AUTOMOTIVE REPAIR FACILITY FOR DIAGNOSING, SERVICING, OR REPAIRING**
15 **THE MOTOR VEHICLE;**

16 **(5) THE DATA IS RETRIEVED TO FACILITATE AND DETERMINE THE**
17 **NEED FOR EMERGENCY MEDICAL CARE IN THE EVENT OF AN ACCIDENT OR OTHER**
18 **EMERGENCY, INCLUDING RETRIEVAL OF DATA FROM A COMPANY THAT PROVIDES**
19 **SUBSCRIPTION SERVICES;**

20 **(6) THE DATA IS RETRIEVED BY A LAW ENFORCEMENT OFFICER IN**
21 **THE COURSE OF AN INVESTIGATION OF A SUSPECTED VIOLATION OF LAW THAT**
22 **CAUSED OR CONTRIBUTED TO AN ACCIDENT THAT RESULTED IN INJURY TO A**
23 **PERSON OR PROPERTY DAMAGE;**

24 **(7) THE DATA IS REQUESTED IN A DISCOVERY MOTION IN A CRIMINAL**
25 **OR CIVIL MATTER; OR**

26 **(8) THE DATA IS RECORDED OR TRANSMITTED AS PART OF A**
27 **SUBSCRIPTION SERVICE.**

28 **(D) A MANUFACTURER OF A NEW MOTOR VEHICLE THAT IS SOLD OR LEASED**
29 **IN THE STATE AND THAT IS EQUIPPED WITH AN EVENT DATA RECORDER SHALL**
30 **DISCLOSE THAT FACT IN THE OWNER'S MANUAL FOR THE MOTOR VEHICLE.**

31 **(E) IF A MOTOR VEHICLE IS EQUIPPED WITH AN EVENT DATA RECORDER**
32 **THAT IS CAPABLE OF RECORDING OR TRANSMITTING DATA AND THAT CAPABILITY IS**

1 PART OF A SUBSCRIPTION SERVICE, THE FACT THAT THE DATA MAY BE RECORDED
2 AND TRANSMITTED SHALL BE DISCLOSED IN THE TERMS AND CONDITIONS OF THE
3 SUBSCRIPTION SERVICE AGREEMENT.

4 (F) A LESSOR OF A MOTOR VEHICLE MAY NOT REQUIRE THE LESSEE TO
5 CONSENT TO THE RETRIEVAL OR USE OF DATA ON A MOTOR VEHICLE EVENT DATA
6 RECORDER AS A CONDITION OF THE LEASE.

7 (G) A PERSON MAY NOT KNOWINGLY ALTER OR DELETE DATA ON A
8 VEHICLE'S EVENT DATA RECORDER OR KNOWINGLY DESTROY A VEHICLE'S EVENT
9 DATA RECORDER WITHIN 6 MONTHS AFTER AN ACCIDENT INVOLVING THE VEHICLE
10 THAT RESULTED IN THE DEATH OR BODILY INJURY OF A PERSON.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2016.