

# HOUSE BILL 1464

R6

0lr1436

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By: **Delegate Love**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Vehicle Data – Ownership and Use**

3 FOR the purpose of establishing that the owners of certain vehicles own certain data  
4 collected and stored by the vehicle or a vehicle data recorder; prohibiting certain  
5 persons from retrieving or distributing data collected and stored by a vehicle or a  
6 vehicle data recorder, subject to certain exceptions; authorizing certain persons to  
7 retrieve or distribute certain aggregated data collected and stored by a vehicle or  
8 vehicle data recorder; prohibiting an insurer or insurance broker from taking certain  
9 action with respect to a vehicle owner’s vehicle insurance solely based on the vehicle  
10 owner’s refusal to consent to certain data access; defining certain terms; and  
11 generally relating to the ownership and use of vehicle data.

12 BY adding to  
13 Article – Transportation  
14 Section 22–421  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2019 Supplement)

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

19 **Article – Transportation**

20 **22–421.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(2) “AUTONOMOUS VEHICLE” MEANS A MOTOR VEHICLE EQUIPPED**  
24 **WITH AN INTEGRATED AUTOMATED DRIVING SYSTEM THAT PERFORMS ALL DRIVING**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 TASKS AND MONITORS THE DRIVING ENVIRONMENT WITHOUT THE EXPECTATION  
2 THAT A HUMAN DRIVER WILL BE AVAILABLE TO RESPOND APPROPRIATELY TO A  
3 REQUEST TO INTERVENE.

4 (3) "NONIDENTIFYING DATA" MEANS NONINDIVIDUALIZED AND  
5 NONPERSONALIZED DATA ABOUT A VEHICLE OR THE OWNER OR OPERATOR OF THE  
6 VEHICLE.

7 (4) "PROTECTED DATA" MEANS DATA ON:

8 (I) VEHICLE SPEED;

9 (II) VEHICLE ROUTE;

10 (III) VEHICLE LOCATION;

11 (IV) VEHICLE DIRECTION;

12 (V) VEHICLE STEERING PERFORMANCE AND USE;

13 (VI) VEHICLE BRAKE PERFORMANCE AND USE;

14 (VII) VEHICLE SEAT BELT STATUS AND USE; AND

15 (VIII) THE NUMBER OF PASSENGERS IN A VEHICLE.

16 (5) "VEHICLE DATA RECORDER" MEANS:

17 (I) A DEVICE INSTALLED IN A MOTOR VEHICLE TO RECORD OR  
18 TRANSMIT DATA ABOUT THE MOTOR VEHICLE, INCLUDING A DEVICE THAT  
19 PERFORMS ANY OF THE FOLLOWING FUNCTIONS:

20 1. RECORDING THE DIRECTION AND RATE OF SPEED AT  
21 WHICH THE MOTOR VEHICLE TRAVELS;

22 2. RECORDING THE LOCATIONS TO WHICH THE MOTOR  
23 VEHICLE TRAVELS;

24 3. RECORDING DATA CONCERNING STEERING  
25 PERFORMANCE;

1                   4.    RECORDING    DATA    CONCERNING    BRAKE  
2 PERFORMANCE, INCLUDING WHETHER THE BRAKE WAS APPLIED BEFORE AN  
3 ACCIDENT;

4                   5.    RECORDING DATA REGARDING SEAT BELT USAGE; OR

5                   6.    TRANSMITTING DATA CONCERNING AN ACCIDENT TO  
6 A CENTRAL COMMUNICATIONS SYSTEM; OR

7                   (ii) AN EVENT DATA RECORDER, AS DEFINED UNDER 49 C.F.R.  
8 § 563.5(B).

9           (b) THE OWNER OF AN AUTONOMOUS VEHICLE, AN ELECTRIC VEHICLE, OR  
10 A VEHICLE WITH A VEHICLE DATA RECORDER OWNS ANY DATA COLLECTED AND  
11 STORED BY THE VEHICLE OR VEHICLE DATA RECORDER.

12           (c) A PERSON WHO IS NOT THE OWNER OF A VEHICLE MAY NOT RETRIEVE  
13 OR DISTRIBUTE DATA COLLECTED AND STORED BY THE VEHICLE OR VEHICLE DATA  
14 RECORDER, UNLESS:

15                   (1) THE OWNER OF THE VEHICLE, OR THE OWNER'S AGENT,  
16 CONSENTS TO THE RETRIEVAL OR DISTRIBUTION OF THE DATA;

17                   (2) THE DATA IS RETRIEVED OR DISTRIBUTED FOR THE PURPOSE OF  
18 EMERGENCY MEDICAL RESPONSE IN THE EVENT OF A VEHICLE ACCIDENT; OR

19                   (3) THE DATA IS RETRIEVED OR DISTRIBUTED UNDER A COURT  
20 ORDER.

21           (d) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, A  
22 MANUFACTURER, AN INSURER, OR A DEALER OF AUTONOMOUS VEHICLES,  
23 AUTONOMOUS VEHICULAR TECHNOLOGY, ELECTRIC VEHICLES, ELECTRIC VEHICLE  
24 TECHNOLOGY, OR VEHICLE DATA RECORDERS MAY RETRIEVE OR DISTRIBUTE  
25 AGGREGATED NONIDENTIFYING DATA COLLECTED AND STORED BY A VEHICLE OR  
26 VEHICLE DATA RECORDER.

27           (e) AN INSURER OR AN INSURANCE BROKER MAY NOT, BASED SOLELY ON  
28 THE REFUSAL OF A VEHICLE OWNER TO CONSENT TO ACCESS TO PROTECTED DATA  
29 COLLECTED AND STORED FROM A VEHICLE OR VEHICLE DATA RECORDER:

30                   (1) REFUSE TO RENEW A MOTOR VEHICLE INSURANCE POLICY OF THE  
31 VEHICLE OWNER;

1           **(2) REDUCE INSURANCE COVERAGE FOR THE VEHICLE OWNER;**

2           **(3) INCREASE THE VEHICLE OWNER'S INSURANCE PREMIUM;**

3           **(4) IMPOSE A SURCHARGE ON THE VEHICLE OWNER'S INSURANCE**  
4 **POLICY;**

5           **(5) REFUSE TO APPLY A DISCOUNT TO THE VEHICLE OWNER'S**  
6 **INSURANCE POLICY, OTHER THAN A DISCOUNT THAT IS BASED ON GRANTING**  
7 **ACCESS TO DATA COLLECTED AND STORED BY A VEHICLE OR VEHICLE DATA**  
8 **RECORDER;**

9           **(6) PLACE THE VEHICLE OWNER IN A LESS FAVORABLE MOTOR**  
10 **VEHICLE INSURANCE TIER;**

11           **(7) REFUSE TO PLACE THE VEHICLE OWNER IN AN INSURER'S BEST**  
12 **MOTOR VEHICLE INSURANCE TIER; OR**

13           **(8) IF THERE ARE MULTIPLE COMPANIES AVAILABLE WITHIN A**  
14 **GROUP OF INSURERS, FAIL TO PLACE THE VEHICLE OWNER WITH THE MOST**  
15 **FAVORABLY PRICED INSURER.**

16           **(F) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS SUBJECT**  
17 **TO A FINE NOT EXCEEDING:**

18           **(1) \$500 FOR A FIRST VIOLATION;**

19           **(2) \$1,000 FOR A SECOND VIOLATION; AND**

20           **(3) \$2,500 FOR A THIRD OR SUBSEQUENT VIOLATION.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2020.