

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2038

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DATE	D-PG	OFFICIAL STATUS
02/27/2014	5887	Introduction and first reading Referred to Judiciary
03/06/2014	6008	Author added Limmer

1.1 A bill for an act
 1.2 relating to privacy; establishing standards for use of data collected by an event
 1.3 data recorder; providing penalties; proposing coding for new law in Minnesota
 1.4 Statutes, chapter 325E.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[325E.595] EVENT DATA RECORDERS.**

1.7 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
 1.8 the meanings given.

1.9 (b) "Event data" means records of one or more of the following categories of
 1.10 information concerning the use or performance of a motor vehicle:

- 1.11 (1) vehicle air bag deployment, if any;
 1.12 (2) vehicle speed;
 1.13 (3) vehicle direction;
 1.14 (4) vehicle location;
 1.15 (5) vehicle steering performance or use;
 1.16 (6) vehicle brake performance or use; or
 1.17 (7) vehicle seat belt status or use.

1.18 (c) "Event data recorder" means a device or feature that is installed by the
 1.19 manufacturer of a motor vehicle for the purpose of capturing or transmitting retrievable
 1.20 event data.

1.21 (d) "Owner" means:

- 1.22 (1) a person having all of the incidents of ownership of a motor vehicle, including
 1.23 certificate of title to the motor vehicle pursuant to chapter 168A, regardless of whether the
 1.24 person lends, rents, or creates a security interest in the vehicle;

2.1 (2) a person entitled to possession of a motor vehicle as the purchaser under
2.2 a security agreement; or

2.3 (3) a person entitled to possession of a vehicle as a lessee under a written lease
2.4 agreement, if the lease agreement is intended to last for more than three months from
2.5 the date of its inception.

2.6 (e) "Owner's agent" means a natural person, authorized by the owner within the
2.7 last 30 days, as the owner's representative.

2.8 Subd. 2. **Event data recorders.** (a) Event data that is recorded on an event data
2.9 recorder is the personal data of the motor vehicle's owner and shall not be downloaded or
2.10 retrieved by a person who is not the owner, except in the following circumstances:

2.11 (1) the owner of the motor vehicle, or the owner's agent, consents to the retrieval of
2.12 the data;

2.13 (2) the data is downloaded or retrieved by an automotive technician to diagnose,
2.14 service, or repair the vehicle at the request of the owner or the owner's agent;

2.15 (3) the data is retrieved by a peace officer, pursuant to a warrant or court order, as
2.16 part of an investigation of a suspected violation of law that has caused, or contributed to
2.17 the cause of, an accident resulting in damage of property or injury to a person;

2.18 (4) the data is retrieved for the purpose of emergency medical response in the event
2.19 of a motor vehicle accident;

2.20 (5) the data is subject to discovery pursuant to the Rules of Civil Procedure in a
2.21 claim arising out of a motor vehicle accident;

2.22 (6) the data is downloaded or retrieved pursuant to the order of a court or an
2.23 administrative agency authorized to issue such an order; or

2.24 (7) the event data recorder was installed after the manufacturer or motor vehicle
2.25 dealer sold the motor vehicle.

2.26 (b) A person authorized to download or retrieve data from an event data recorder
2.27 may only release the data to another person or entity in the following circumstances:

2.28 (1) the owner of the motor vehicle or the owner's agent consents to the release of
2.29 the data;

2.30 (2) the data is subject to discovery pursuant to the Rules of Civil Procedure in a
2.31 claim arising out of a motor vehicle accident;

2.32 (3) the data is released pursuant to a court order;

2.33 (4) the data is released to a motor vehicle safety and medical research entity in order
2.34 to advance motor vehicle safety, security, or traffic management, provided that the identity
2.35 of the owner or driver is not disclosed; or

3.1 (5) the data is released to a data processor solely for the purposes permitted by this
3.2 section, provided that the identity of the owner or driver is not disclosed.

3.3 (c) If a motor vehicle is equipped with an event data recorder that is capable of
3.4 recording or transmitting event data that is part of a subscription service, the fact that the
3.5 data may be recorded or transmitted and instructions for discontinuing the subscription
3.6 service or for disabling the event data recorder by a trained service technician must be
3.7 prominently disclosed in the subscription service agreement. A disclosure made by means
3.8 of an insert into the service agreement is deemed a disclosure in the service agreement.

3.9 (d) Notwithstanding paragraph (a), data may be collected without a warrant or
3.10 the consent of the vehicle owner if circumstances exist, following a crash resulting in a
3.11 serious injury or fatality, which could reasonably result in the loss of data during a vehicle
3.12 recovery. Data collected under this paragraph must be limited to only that data necessary
3.13 to conduct and analyze a reconstruction of the crash.

3.14 Subd. 3. **Prohibition on destruction of data.** No person may knowingly alter or
3.15 delete data on an event data recorder, or knowingly destroy an event data recorder, after
3.16 an accident involving the motor vehicle that resulted in a death or a serious physical
3.17 injury, unless a reasonable amount of time for a peace officer to obtain a search warrant
3.18 has passed since the date of the accident.

3.19 Subd. 4. **Penalty.** Violation of this section is a misdemeanor.

3.20 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to motor
3.21 vehicles sold or leased before, on, or after that date.