

Enrolled
House Bill 2568

Sponsored by Representative GALIZIO; Representatives BARKER, BEYER, BONAMICI, BUCKLEY, GELSER, HOLVEY, RILEY, ROSENBAUM, SHIELDS, THATCHER, TOMEI, Senator BURDICK

CHAPTER

AN ACT

Relating to motor vehicle event data recorders.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 6 of this 2007 Act:

(1) "Event data recorder" has the meaning given that term in 49 C.F.R 563.5, as in effect on the effective date of this 2007 Act.

(2) "Owner" means a person:

(a) In whose name a motor vehicle is registered or titled;

(b) Who leases a motor vehicle for at least three months;

(c) Who is entitled to possession of a motor vehicle as the purchaser under a security agreement; or

(d) Who is the attorney in fact, conservator or personal representative for a person described in paragraphs (a) to (c) of this subsection.

SECTION 2. Except as specifically provided under sections 1 to 6 of this 2007 Act, the data on a motor vehicle event data recorder is exclusively owned by the owner of the motor vehicle and may not be retrieved or used by any person other than the owner of the motor vehicle without the written consent of the owner. If a motor vehicle is owned by more than one person, all owners must consent to the retrieval or use of the data from a motor vehicle event data recorder.

SECTION 3. (1) Data on a motor vehicle event data recorder does not become the property of a lienholder or insurer solely because the lienholder or insurer succeeds in ownership of a motor vehicle as a result of an accident.

(2) An insurer may not condition the payment or settlement of an owner's claim on the owner's consent to the retrieval or use of the data on a motor vehicle event data recorder.

(3) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval or use of the data on a motor vehicle event data recorder as a condition of providing the policy or lease.

SECTION 4. Data from a motor vehicle event data recorder may be retrieved or used without the consent of the owner after an accident if a court orders the production of the data based on a determination by the court that:

(1) A law enforcement officer has probable cause to believe that a crime has occurred and that the data is relevant to the investigation of the crime; or

(2) A law enforcement officer, firefighter or emergency medical services provider seeks to obtain the data in the course of responding to or investigating an emergency involving the physical injury or the risk of physical injury to any person.

SECTION 4a. (1) Upon petition of an insurer, a court may order that data from a motor vehicle event data recorder be retrieved or used without the consent of the owner of the motor vehicle after an accident if the court determines that:

- (a) The owner has a policy of insurance for the vehicle issued by the insurer;
- (b) The data is necessary to reconstruct the facts of the accident and to allow the insurer to determine the obligations of the insurer under the insurance policy; and
- (c) An accurate and timely determination of the facts of the accident cannot occur without the data.

(2) A petition under this section must be filed in the circuit court for the county in which the owner of the motor vehicle resides. The petition must be served on the owner in the manner provided by ORCP 7 not less than 30 days before a hearing on the petition. An insurer filing a petition under this section must pay the filing fee specified by ORS 21.110.

SECTION 5. (1) Data from a motor vehicle event data recorder may be retrieved or used without the consent of the owner to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications systems.

(2) Data from a motor vehicle event data recorder may be retrieved or used without the consent of the owner to facilitate medical research of the human body's reaction to motor vehicle crashes if:

(a) The identity of the owner or driver is not disclosed in connection with the retrieved data; and

(b) The last four digits of the vehicle identification number are not disclosed.

(3) Data from a motor vehicle event data recorder may be retrieved or used without the consent of the owner to diagnose, service or repair a motor vehicle.

SECTION 6. Sections 1 to 6 of this 2007 Act do not apply to data that is stored or transmitted pursuant to a subscription service agreement for the use of a recording device to record a history of where a motor vehicle travels or for the transmission of data to a central communications system.

Passed by House May 15, 2007

Repassed by House June 12, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 11, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State