

HOUSE AMENDMENTS TO HOUSE BILL 2568

By COMMITTEE ON CONSUMER PROTECTION

May 10

1 On page 1 of the printed bill, delete lines 5 through 13 and insert:

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

4 In line 21, after “2.” delete the rest of the line and delete lines 22 through 25.

5 In line 26, delete “(2)”.

6 On page 2, line 11, after the period insert “This subsection does not prevent an insurer from
7 offering reduced premiums for a policy based on a consensual agreement with the insured owner
8 allowing the insurer to retrieve or use data on a motor vehicle event data recorder.”.

9 Delete lines 12 through 26 and insert:

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

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

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

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

21 **“(a) The owner has a policy of insurance for the vehicle issued by the insurer;**

22 **“(b) The data is necessary to reconstruct the facts of the accident and to allow the
23 insurer to determine the obligations of the insurer under the insurance policy; and**

24 **“(c) An accurate and timely determination of the facts of the accident cannot occur
25 without the data.**

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

30 Delete lines 41 through 45 and delete page 3 and insert:

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

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