

110TH CONGRESS
1ST SESSION

H. R. 1015

To require automobile dealers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2007

Mr. CAPUANO introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require automobile dealers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) From the standpoint of consumer privacy
6 rights, most consumers are not aware that their ve-
7 hicles are recording data that not only may be used

1 to aid traffic safety analyses, but has the potential
2 of being used against them in a civil or criminal pro-
3 ceeding, or by their insurer to increase rates.

4 (2) There exists no Federal law clarifying the
5 rights of a vehicle owner to ownership of the re-
6 corded data and, in the absence of Federal direction,
7 States have begun to create different standards of
8 ownership and rights for recorded data.

9 **SEC. 2. OWNERSHIP AND RETRIEVAL OF EVENT DATA RE-**
10 **CORDER DATA.**

11 Any event data recorder in a vehicle and any data
12 recorded on any event data recorder in a vehicle shall be
13 considered the property of the owner of the vehicle. It shall
14 be unlawful for any person other than the owner of the
15 motor vehicle to download or otherwise retrieve data that
16 is recorded on any event data recorder except under one
17 of the following circumstances:

18 (1) The owner of the motor vehicle or the own-
19 er's agent or legal representative consents to the re-
20 trieval of the information.

21 (2) In response to an order of a court having
22 jurisdiction to issue the order.

23 (3) The data is retrieved by a motor vehicle
24 dealer, or by an automotive technician for the pur-

1 pose of diagnosing, servicing, or repairing the motor
2 vehicle.

3 (4) For the purpose of improving motor vehicle
4 safety, including medical research on the human
5 body's reaction to motor vehicle accidents, provided
6 that the identity of the registered owner or driver is
7 not disclosed in connection with that retrieved data.

8 **SEC. 3. REQUIREMENT FOR EVENT DATA RECORDERS ON**
9 **NEW AUTOMOBILES.**

10 It shall be unlawful for any person to manufacture
11 for sale, sell, offer for sale, introduce, or deliver into inter-
12 state commerce, or import into the United States, a new
13 automobile manufactured after 2009 (and bearing a model
14 year of 2010 or later) that is equipped with an event data
15 recorder, unless such event data recorder includes a func-
16 tion whereby the consumer has the option to enable or
17 disable the recording function of the event data recorder.
18 Once disabled, the recording function shall not resume
19 functioning until the consumer elects to enable such func-
20 tioning.

21 **SEC. 4. ENFORCEMENT.**

22 (a) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-
23 CEPTIVE ACTS OR PRACTICES.—A violation of section 2
24 or 3 shall be treated as a violation of a rule defining an
25 unfair or deceptive act or practice prescribed under section

1 18(a)(1)(B) of the Federal Trade Commission Act (15
2 U.S.C. 57a(a)(1)(B)).

3 (b) FEDERAL TRADE COMMISSION AUTHORITY.—

4 The Federal Trade Commission shall enforce this Act in
5 the same manner, by the same means, and with the same
6 jurisdiction, powers, and duties as though all applicable
7 terms and provisions of the Federal Trade Commission
8 Act (15 U.S.C. 41 et seq.) were incorporated into and
9 made a part of this Act.

10 **SEC. 5. DEFINITIONS.**

11 As used in this Act:

12 (1) The term “consumer” has the meaning
13 given the term “ultimate purchaser” in section 2 of
14 the Automobile Information Disclosure Act (15
15 U.S.C. 1231).

16 (2) The term “dealer” has the meaning given
17 that term in section 30102(a) of title 49, United
18 States Code.

19 (3) The term “event data recorder” means any
20 device or means of technology installed in an auto-
21 mobile that records information such as vehicle
22 speed, seatbelt use, application of brakes or other in-
23 formation pertinent to the operation of the auto-
24 mobile.

1 (4) The terms “manufacturer” and “new auto-
2 mobile” have the meanings given those terms in sec-
3 tion 2 of the Automobile Information Disclosure Act
4 (15 U.S.C. 1231).

5 **SEC. 6. EFFECTIVE DATE.**

6 This Act shall take effect 180 days after the date of
7 enactment of this Act.

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