

111TH CONGRESS
2^D SESSION

H. R. 5345

To amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules requiring that motor vehicles of model year 2012 or later be equipped with event data recorders compatible with a universal data retrieval method and that the data in event data recorders on motor vehicles prior to model year 2012 be readable by the National Highway Traffic Safety Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2010

Ms. SPEIER (for herself, Ms. ESHOO, and Mr. QUIGLEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules requiring that motor vehicles of model year 2012 or later be equipped with event data recorders compatible with a universal data retrieval method and that the data in event data recorders on motor vehicles prior to model year 2012 be readable by the National Highway Traffic Safety Administration, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consumer Auto Safety
3 Enhancement Act of 2010”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Event data recorders offer important bene-
7 fits for motor vehicle safety, such as enabling auto-
8 matic crash notification systems for improved emer-
9 gency responses to crashes, increasing understanding
10 of vehicle crashworthiness and safe highway design,
11 and providing greater insight into trends in motor
12 vehicle defects.

13 (2) More than 38,000 people die each year on
14 roads in the United States, and such fatalities could
15 be reduced by taking full advantage of the benefits
16 of event data recorders.

17 (3) According to the event data recorder work-
18 ing group of the National Highway Traffic Safety
19 Administration, the degree to which the benefits of
20 event data recorders are realized is directly propor-
21 tional to the number of motor vehicles equipped with
22 such recorders.

23 (4) Requiring the inclusion of event data re-
24 corders in new motor vehicles would produce valu-
25 able safety benefits that would far outweigh the
26 nominal financial burden on manufacturers.

1 (5) The National Transportation Safety Board
2 has recommended that event data recorders be in-
3 stalled on light passenger vehicles and on
4 schoolbuses and motorcoaches.

5 **SEC. 3. EVENT DATA RECORDERS.**

6 (a) IN GENERAL.—Subchapter II of chapter 301 of
7 part A of subtitle VI of title 49, United States Code, is
8 amended by adding at the end the following new sections:

9 **“§ 30129. Event data recorders required for model**
10 **year 2012 or later**

11 “(a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this section, the Secretary of
13 Transportation shall promulgate a rule that—

14 “(1) requires each motor vehicle manufacturer
15 to equip each motor vehicle of model year 2012 or
16 later manufactured by such manufacturer, regard-
17 less of the gross vehicle weight rating of the motor
18 vehicle, with an event data recorder that meets the
19 specifications set forth in subsection (b); and

20 “(2) establishes the uniform data retrieval
21 method described in subsection (c).

22 “(b) SPECIFICATIONS OF EVENT DATA RE-
23 CORDER.—

1 “(1) SURVIVABILITY.—The event data recorder
2 required under subsection (a)(1) shall be capable
3 of—

4 “(A) sustaining without a loss of data—

5 “(i) a crash that results in a fire in
6 which the motor vehicle reaches a maximum
7 temperature to be determined by the
8 Secretary for a maximum period of time to
9 be determined by the Secretary; and

10 “(ii) a crash that results in the motor
11 vehicle becoming immersed in not greater
12 than 10 feet of water; and

13 “(B) sustaining without a loss of data or
14 function—

15 “(i) a frontal barrier crash test at not
16 less than 65 miles per hour;

17 “(ii) the rear moving barrier crash
18 test described in S6.2 of Federal Motor
19 Vehicle Safety Standard 301 (49 C.F.R.
20 571.301) that is applicable to the motor
21 vehicle on which the event data recorder is
22 installed; and

23 “(iii) a side barrier crash test to be
24 determined by the Secretary.

1 “(2) DATA ELEMENTS.—The event data re-
2 recorder required under subsection (a)(1) shall record
3 the following data elements:

4 “(A) Yaw data.

5 “(B) Safety belt status by seating location,
6 number of occupants, and location in the vehi-
7 cle.

8 “(C) Data regarding vehicle speed, engine
9 rotations per minute, change in acceleration,
10 and control signal status for the braking, accel-
11 eration, and steering systems.

12 “(D) Driver and front passenger airbag
13 deployment level, deactivation status, deploy-
14 ment time, and deployment stage.

15 “(E) Rollover data.

16 “(F) Data regarding the operation of the
17 antilock brake system, the traction control sys-
18 tem, and the electronic stability control system,
19 including the roll stability control system.

20 “(G) A stamp including the motor vehicle’s
21 vehicle identification number and the date,
22 time, and odometer reading corresponding to
23 each event collected.

24 “(H) Tire pressure.

1 “(I) All other data elements listed in the
2 left-hand column of table I or the left-hand col-
3 umn of table II of section 563.7 of title 49,
4 Code of Federal Regulations, as such section is
5 in effect on the date of the enactment of this
6 section.

7 “(J) Such other data as the Secretary con-
8 siders appropriate, including any data element
9 in the event data recorder standards issued by
10 the Institute of Electrical and Electronics Engi-
11 neers or the Society of Automotive Engineers.

12 “(3) LENGTH OF RECORDING TIME.—The event
13 data recorder required under subsection (a)(1) shall
14 record data related to a crash event for a period of
15 not less than 60 seconds before time zero and 15
16 seconds after time zero. For purposes of the pre-
17 ceding sentence, the term ‘time zero’ has the mean-
18 ing given such term in section 563.5(b) of title 49,
19 Code of Federal Regulations, as such section is in
20 effect on the date of the enactment of this section.

21 “(4) TAMPER RESISTANCE.—The event data re-
22 corder required under subsection (a)(1) shall have
23 such safeguards as the Secretary considers appro-
24 priate to prevent alteration of the data recorded.

1 “(5) COMPATIBILITY WITH UNIVERSAL DATA
2 RETRIEVAL METHOD.—The event data recorder re-
3 quired under subsection (a)(1) shall permit the data
4 recorded by such recorder to be retrieved using the
5 universal data retrieval method established under
6 subsection (a)(2). The Secretary shall specify any
7 data format requirements the Secretary considers
8 appropriate to facilitate the establishment of such
9 universal data retrieval method.

10 “(c) UNIVERSAL DATA RETRIEVAL METHOD.—The
11 universal data retrieval method required under subsection
12 (a)(2) shall be a single method by which the recorded data
13 in an event data recorder on any motor vehicle to which
14 this section applies, regardless of manufacturer or model,
15 may be removed from such event data recorder and put
16 into readable form. For purposes of the preceding sen-
17 tence, data are in readable form if they conform to any
18 data format requirements established by the Secretary and
19 can be used to analyze the safety performance of a vehicle
20 using commercially available equipment.

21 “(d) DATA COLLECTION.—

22 “(1) PROCESS FOR RECEIVING DATA.—

23 “(A) IN GENERAL.—The Secretary shall
24 establish a process by which an individual or

1 entity may transmit to the Secretary data from
2 an event data recorder.

3 “(B) PERIODIC EVALUATIONS AND MODI-
4 FICATIONS.—The Secretary shall conduct peri-
5 odic evaluations of the process established
6 under subparagraph (A) and make such modi-
7 fications as the Secretary considers appropriate
8 to ensure that the process is as effective and ef-
9 ficient as possible.

10 “(2) EVENT DATA RECORDER DATABASE.—

11 “(A) IN GENERAL.—The Secretary shall
12 create a database for purposes of research and
13 analysis that contains, in electronic format, all
14 data available to the Secretary from event data
15 recorders. Such database shall not include any
16 data that were not obtained from an event data
17 recorder, except for such data from other
18 sources as the Secretary considers—

19 “(i) relevant to performing research
20 and analysis using data from event data
21 recorders, including police accident reports
22 and other similar official information re-
23 garding the conditions and circumstances
24 under which the data were collected; or

1 “(ii) necessary to operate the event
2 data recorder database.

3 “(B) AVAILABILITY TO PUBLIC.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), the data in the data-
6 base required by subparagraph (A) shall be
7 available to the public.

8 “(ii) PERSONALLY IDENTIFIABLE IN-
9 FORMATION.—The Secretary shall ensure
10 that the data made available to the public
11 under clause (i) do not contain any infor-
12 mation that could be used to identify an
13 owner, lessee, or occupant of a vehicle from
14 whose event data recorder such data were
15 obtained, including the full vehicle identi-
16 fication number of the vehicle, the name,
17 mailing address, email address, or tele-
18 phone number of an owner, lessee, or occu-
19 pant, and any other information that is
20 prohibited by law from disclosure or that
21 the Secretary determines should be with-
22 held to protect individual privacy.

23 “(e) EVENT DATA RECORDER DEFINED.—For pur-
24 poses of this section, the term ‘event data recorder’ has

1 the meaning given such term in section 563.5(b) of title
2 49, Code of Federal Regulations.

3 **“§ 30130. Readability of data in event data recorders**
4 **prior to model year 2012**

5 “(a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this section, the Secretary of
7 Transportation shall promulgate a rule that requires each
8 motor vehicle manufacturer to ensure that the data re-
9 corded by an event data recorder in a vehicle of a model
10 year prior to model year 2012 that is manufactured by
11 such manufacturer are capable of being read by the Na-
12 tional Highway Traffic Safety Administration. Such rule
13 shall apply to a vehicle manufactured prior to the effective
14 date of such rule if such vehicle is equipped with an event
15 data recorder but shall not require any vehicle, regardless
16 of the date of manufacture, to be equipped with an event
17 data recorder.

18 “(b) DATA CAPABLE OF BEING READ BY NHTSA.—
19 For purposes of subsection (a), data in a motor vehicle’s
20 event data recorder are capable of being read by the Na-
21 tional Highway Traffic Safety Administration if a rep-
22 resentative of the Administration who has physical access
23 to the vehicle can, through the use of computer hardware
24 and software, whether provided by the manufacturer of
25 such vehicle or otherwise, gain access to such data in a

1 format that allows the Administration to analyze the safe-
2 ty performance of such vehicle.

3 “(c) EVENT DATA RECORDER DEFINED.—For pur-
4 poses of this section, the term ‘event data recorder’ has
5 the meaning given such term in section 563.5(b) of title
6 49, Code of Federal Regulations.

7 “(d) EFFECTIVE DATE OF RULE.—The rule promul-
8 gated under subsection (a) shall take effect not later than
9 30 days after the date on which such rule is promulgated.

10 **“§ 30131. Privacy of data in event data recorders**

11 “(a) OWNERSHIP OF DATA.—The data stored in an
12 event data recorder described in section 30129(a) or
13 30130(a) are the property of the owner or lessee of the
14 motor vehicle in which such event data recorder is in-
15 stalled.

16 “(b) ACCESS TO DATA.—The data stored in an event
17 data recorder described in section 30129(a) or 30130(a)
18 may not be accessed by any person other than the owner
19 or lessee of the motor vehicle in which such event data
20 recorder is installed, unless—

21 “(1) a court authorizes retrieval of the data in
22 furtherance of a legal proceeding;

23 “(2) the owner or lessee of such motor vehicle
24 consents to the retrieval of the data for any purpose,

1 including to diagnose, service, or repair such motor
2 vehicle; or

3 “(3) the data are retrieved by a government
4 motor vehicle safety agency for the purpose of im-
5 proving motor vehicle safety and the personally iden-
6 tifiable information of any owner, lessee, or occupant
7 of such motor vehicle, including the vehicle identi-
8 fication number of such motor vehicle, is not publicly
9 disclosed in connection with the data.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by inserting
12 after the item relating to section 30128 the following new
13 items:

30129. Event data recorders required for model year 2012 or later.

30130. Readability of data in event data recorders prior to model year 2012.

30131. Privacy of data in event data recorders.

14 **SEC. 4. REPORT ON FEASIBILITY OF AUTOMATIC TRANS-**
15 **MISSION OF EDR DATA.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Trans-
18 portation shall submit to Congress a report on the feasi-
19 bility of requiring that, after the involvement in a crash
20 event of a motor vehicle equipped with an event data re-
21 corder under section 30129(a) of title 49, United States
22 Code, such event data recorder automatically transmit to
23 the Secretary, in electronic form, the data recorded with
24 respect to the crash event.

1 (b) CONTENTS OF REPORT.—The report required by
2 subsection (a) shall include—

3 (1) an analysis, with respect to the time when
4 such analysis is conducted, of systems and capabili-
5 ties for automatic electronic transmission of event
6 data recorder data in the event of a crash and the
7 extent to which it is the practice of motor vehicle
8 manufacturers to collect such data;

9 (2) an analysis of any benefits, whether mone-
10 tary or nonmonetary, of maintaining a database con-
11 taining the data that would be automatically trans-
12 mitted to the Secretary under the requirement de-
13 scribed in subsection (a);

14 (3) an analysis of the cost to motor vehicle
15 manufacturers of complying with such requirement
16 as compared to the cost of requiring the submission
17 of the same information by means other than auto-
18 matic electronic transmission;

19 (4) the Secretary’s recommendation of a rea-
20 sonable timeline for manufacturers to comply with
21 the requirement described in subsection (a); and

22 (5) an analysis of any privacy issues posed by
23 such requirement and recommendations for how they
24 might be addressed or eliminated.

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