
SUBSTITUTE SENATE BILL 6341

State of Washington

60th Legislature

2008 Regular Session

By Senate Consumer Protection & Housing (originally sponsored by Senators Kauffman, Delvin, and Marr)

READ FIRST TIME 01/28/08.

1 AN ACT Relating to electronic data recorders in motor vehicles;
2 reenacting and amending RCW 46.63.020; adding a new section to chapter
3 48.30 RCW; adding a new chapter to Title 46 RCW; and prescribing
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Electronic data recorder" means a device that is installed by
9 the manufacturer of a motor vehicle and does one or more of the
10 following:

- 11 (a) Records vehicle speed or direction;
- 12 (b) Records vehicle location data;
- 13 (c) Records vehicle steering performance;
- 14 (d) Records vehicle brake performance, including whether brakes
15 were applied before a collision;
- 16 (e) Records the driver's seatbelt status;
- 17 (f) Has the ability to transmit information concerning a collision
18 that involves the motor vehicle to a central communications system or
19 other external device when the collision occurs.

1 (2) "Owner" means:

2 (a) A person having all the incidents of ownership, including legal
3 title, of a motor vehicle, whether or not the person lends, rents, or
4 creates a security interest in the motor vehicle;

5 (b) A person entitled to the possession of a motor vehicle as the
6 purchaser under a security agreement;

7 (c) A person entitled to possession of a motor vehicle as a lessee
8 pursuant to a written lease agreement for a period of more than three
9 months; or

10 (d) If a third party requests access to an electronic data recorder
11 to investigate a collision, the owner of the vehicle at the time the
12 collision occurred.

13 NEW SECTION. **Sec. 2.** (1) A manufacturer of a new motor vehicle
14 that is sold or leased in this state and is equipped with an electronic
15 data recorder shall disclose that the motor vehicle is equipped with an
16 electronic data recorder in the owner's manual for the motor vehicle.
17 The disclosure must include, if applicable, a statement that the
18 electronic data recorder:

19 (a) Records the direction and rate of speed at which the motor
20 vehicle travels;

21 (b) Records a history of where the motor vehicle travels;

22 (c) Records steering performance;

23 (d) Records brake performance, including whether the brakes were
24 applied before a collision;

25 (e) Records the status of the driver's safety belt; and

26 (f) If a collision involving the motor vehicle occurs, is able to
27 transmit information concerning the collision to a central
28 communications system.

29 (2) If an electronic data recorder is used as part of a
30 subscription service, the subscription service agreement must disclose
31 that the device may record or transmit information as described in
32 subsection (1) of this section.

33 NEW SECTION. **Sec. 3.** (1) Information recorded or transmitted by
34 an electronic data recorder may not be retrieved, downloaded, or
35 otherwise accessed by a person other than the owner of the motor
36 vehicle in which the recording device is installed except:

- 1 (a) Upon a court order;
- 2 (b) With the consent of the owner for any purpose, including
3 diagnosing, servicing, or repairing the motor vehicle;
- 4 (c) For improving motor vehicle safety, including medical research
5 on the human body's reaction to motor vehicle collisions, if the
6 identity of the owner or driver of the motor vehicle is not disclosed
7 in connection with the retrieved information;
- 8 (d) For determining the need for or facilitating emergency medical
9 response if a motor vehicle collision occurs, provided that the
10 information retrieved is used solely for medical purposes; or
- 11 (e) For subscription services pursuant to an agreement in which
12 disclosure required under section 2 of this act has been made.
- 13 (2) For the purposes of subsection (1)(c) of this section:
- 14 (a) The disclosure of a motor vehicle's vehicle identification
15 number with the last six digits deleted or redacted is not a disclosure
16 of the identity of the owner or driver; and
- 17 (b) Retrieved information may only be disclosed to a data
18 processor.
- 19 (3) Any person who violates this section is guilty of a
20 misdemeanor.

21 NEW SECTION. **Sec. 4.** The legislature finds that the practices
22 covered by this chapter are matters vitally affecting the public
23 interest for the purpose of applying chapter 19.86 RCW. A violation of
24 this chapter is not reasonable in relation to the development and
25 preservation of business and is an unfair or deceptive act in trade or
26 commerce and an unfair method of competition for the purpose of
27 applying chapter 19.86 RCW.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.30 RCW
29 to read as follows:

30 (1) An insurer shall not refuse to renew a motor vehicle insurance
31 policy solely because a motor vehicle owner, as defined in section 1 of
32 this act, refuses to provide access to recorded data from an electronic
33 data recorder, as defined in section 1 of this act.

34 (2) An insurer or agent shall not: Reduce coverage; increase the
35 insured's premium; apply a surcharge; refuse to apply a discount other
36 than a discount that is based on data recorded by an electronic data

1 recorder as defined in section 1 of this act; or when there are
2 multiple insurers available, fail to place the motor vehicle owner with
3 the most favorably priced insurer, solely because a motor vehicle owner
4 refuses to allow an insurer access to data from an electronic data
5 recorder as defined in section 1 of this act.

6 **Sec. 6.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005
7 c 183 s 10 are each reenacted and amended to read as follows:

8 Failure to perform any act required or the performance of any act
9 prohibited by this title or an equivalent administrative regulation or
10 local law, ordinance, regulation, or resolution relating to traffic
11 including parking, standing, stopping, and pedestrian offenses, is
12 designated as a traffic infraction and may not be classified as a
13 criminal offense, except for an offense contained in the following
14 provisions of this title or a violation of an equivalent administrative
15 regulation or local law, ordinance, regulation, or resolution:

16 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
17 vehicle while under the influence of intoxicating liquor or a
18 controlled substance;

19 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

20 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
21 while under the influence of intoxicating liquor or narcotics or habit-
22 forming drugs or in a manner endangering the person of another;

23 (4) RCW 46.10.130 relating to the operation of snowmobiles;

24 (5) Chapter 46.12 RCW relating to certificates of ownership and
25 registration and markings indicating that a vehicle has been destroyed
26 or declared a total loss;

27 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
28 failure to register a vehicle and falsifying residency when registering
29 a motor vehicle;

30 (7) RCW 46.16.011 relating to permitting unauthorized persons to
31 drive;

32 (8) RCW 46.16.160 relating to vehicle trip permits;

33 (9) RCW 46.16.381(2) relating to knowingly providing false
34 information in conjunction with an application for a special placard or
35 license plate for (~~disabled persons~~) parking for persons with
36 disabilities;

1 (10) RCW 46.20.005 relating to driving without a valid driver's
2 license;

3 (11) RCW 46.20.091 relating to false statements regarding a
4 driver's license or instruction permit;

5 (12) RCW 46.20.0921 relating to the unlawful possession and use of
6 a driver's license;

7 (13) RCW 46.20.342 relating to driving with a suspended or revoked
8 license or status;

9 (14) RCW 46.20.345 relating to the operation of a motor vehicle
10 with a suspended or revoked license;

11 (15) RCW 46.20.410 relating to the violation of restrictions of an
12 occupational or temporary restricted driver's license;

13 (16) RCW 46.20.740 relating to operation of a motor vehicle without
14 an ignition interlock device in violation of a license notation that
15 the device is required;

16 (17) RCW 46.20.750 relating to (~~assisting another person to start~~
17 ~~a vehicle equipped with~~) circumventing an ignition interlock device;

18 (18) RCW 46.25.170 relating to commercial driver's licenses;

19 (19) Chapter 46.29 RCW relating to financial responsibility;

20 (20) RCW 46.30.040 relating to providing false evidence of
21 financial responsibility;

22 (21) RCW 46.37.435 relating to wrongful installation of
23 sunscreening material;

24 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
25 installation of a previously deployed air bag;

26 (23) RCW 46.37.671 through 46.37.675 relating to signal preemption
27 devices;

28 (24) RCW 46.44.180 relating to operation of mobile home pilot
29 vehicles;

30 ~~((+24))~~ (25) RCW 46.48.175 relating to the transportation of
31 dangerous articles;

32 ~~((+25))~~ (26) RCW 46.52.010 relating to duty on striking an
33 unattended car or other property;

34 ~~((+26))~~ (27) RCW 46.52.020 relating to duty in case of injury to
35 or death of a person or damage to an attended vehicle;

36 ~~((+27))~~ (28) RCW 46.52.090 relating to reports by repairmen,
37 storagemen, and appraisers;

1 ~~((28))~~ (29) RCW 46.52.130 relating to confidentiality of the
2 driving record to be furnished to an insurance company, an employer,
3 and an alcohol/drug assessment or treatment agency;
4 ~~((29))~~ (30) RCW 46.55.020 relating to engaging in the activities
5 of a registered tow truck operator without a registration certificate;
6 ~~((30))~~ (31) RCW 46.55.035 relating to prohibited practices by tow
7 truck operators;
8 ~~((31))~~ (32) RCW 46.55.300 relating to immobilizing a vehicle by
9 a person who is not the property owner;
10 (33) RCW 46.61.015 relating to obedience to police officers,
11 flaggers, or firefighters;
12 ~~((32))~~ (34) RCW 46.61.020 relating to refusal to give information
13 to or cooperate with an officer;
14 ~~((33))~~ (35) RCW 46.61.022 relating to failure to stop and give
15 identification to an officer;
16 ~~((34))~~ (36) RCW 46.61.024 relating to attempting to elude
17 pursuing police vehicles;
18 ~~((35))~~ (37) RCW 46.61.500 relating to reckless driving;
19 ~~((36))~~ (38) RCW 46.61.502 and 46.61.504 relating to persons under
20 the influence of intoxicating liquor or drugs;
21 ~~((37))~~ (39) RCW 46.61.503 relating to a person under age twenty-
22 one driving a motor vehicle after consuming alcohol;
23 ~~((38))~~ (40) RCW 46.61.520 relating to vehicular homicide by motor
24 vehicle;
25 ~~((39))~~ (41) RCW 46.61.522 relating to vehicular assault;
26 ~~((40))~~ (42) RCW 46.61.5249 relating to first degree negligent
27 driving;
28 ~~((41))~~ (43) RCW 46.61.527(4) relating to reckless endangerment of
29 roadway workers;
30 ~~((42))~~ (44) RCW 46.61.530 relating to racing of vehicles on
31 highways;
32 ~~((43))~~ (45) RCW 46.61.655(7) (a) and (b) relating to failure to
33 secure a load;
34 ~~((44))~~ (46) RCW 46.61.685 relating to leaving children in an
35 unattended vehicle with the motor running;
36 ~~((45))~~ (47) RCW 46.61.740 relating to theft of motor vehicle
37 fuel;

1 ~~((46)) RCW 46.37.671 through 46.37.675 relating to signal~~
2 ~~preemption devices;~~
3 ~~(47))~~ (48) RCW 46.64.010 relating to unlawful cancellation of or
4 attempt to cancel a traffic citation;
5 ~~((48))~~ (49) RCW 46.64.048 relating to attempting, aiding,
6 abetting, coercing, and committing crimes;
7 ~~((49))~~ (50) Chapter 46.65 RCW relating to habitual traffic
8 offenders;
9 ~~((50))~~ (51) RCW 46.68.010 relating to false statements made to
10 obtain a refund;
11 ~~((51))~~ (52) Section 3 of this act relating to electronic data
12 recorder information;
13 (53) Chapter 46.70 RCW relating to unfair motor vehicle business
14 practices, except where that chapter provides for the assessment of
15 monetary penalties of a civil nature;
16 ~~((52))~~ (54) Chapter 46.72 RCW relating to the transportation of
17 passengers in for hire vehicles;
18 ~~((53))~~ (55) RCW 46.72A.060 relating to limousine carrier
19 insurance;
20 ~~((54))~~ (56) RCW 46.72A.070 relating to operation of a limousine
21 without a vehicle certificate;
22 ~~((55))~~ (57) RCW 46.72A.080 relating to false advertising by a
23 limousine carrier;
24 ~~((56))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;
25 ~~((57))~~ (59) Chapter 46.82 RCW relating to driver's training
26 schools;
27 ~~((58))~~ (60) RCW 46.87.260 relating to alteration or forgery of a
28 cab card, letter of authority, or other temporary authority issued
29 under chapter 46.87 RCW;
30 ~~((59))~~ (61) RCW 46.87.290 relating to operation of an
31 unregistered or unlicensed vehicle under chapter 46.87 RCW.

32 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute
33 a new chapter in Title 46 RCW.

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