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**Transportation Committee**

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**SSB 6341**

**Brief Description:** Concerning electronic data recorders in motor vehicles.

**Sponsors:** Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Kauffman, Delvin and Marr).

**Brief Summary of Substitute Bill**

- Requires a notification of the existence of an electronic data recorder (EDR) in the owner's manual of a vehicle or a subscription service agreement.
- Prevents access to information on an EDR without the permission of the owner except in specific circumstances.
- Makes violations of the act a violation of the consumer protection act.
- Prevents insurers from taking negative underwriting actions based on an individual's decision to deny access to EDR data.

**Hearing Date:** 2/27/08

**Staff:** David Munnecke (786-7315).

**Background:**

Electronic data recorders (EDR), also referred to as event data recorders or vehicle black boxes, are installed in some vehicles by the manufacturer. Depending on the device, it records between five and 90 seconds of information about the vehicle before and after a collision occurs. The data that the EDR records may include: vehicle speed, steering performance, brake performance, the driver's seatbelt status, direction of the vehicle, and vehicle location.

An EDR often transmits information about a collision to a central communications system so that emergency help can be sent. This same collision information may also be sent to the vehicle's manufacturer for safety analysis purposes.

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Electronic data recorders may also be installed in vehicles pursuant to a subscription service, the most well-known of which is probably the OnStar system. These subscription services provide the driver with directions, diagnostics, and emergency assistance. Subscription service EDRs record and transmit data back to the service provider.

Washington does not currently regulate EDRs. On the federal level, the National Highway Traffic Safety Association (NHTSA) has issued regulations relating to EDRs which auto manufacturers must comply with beginning in 2010. Under the regulations, auto manufacturers must disclose the presence of an EDR in the vehicle's owners manual with an explanation of the functions and capabilities of the EDR. The NHTSA regulations also specify uniform requirements for the types of data that an EDR must collect, including vehicle speed, brake performance, and seat belt status of driver and front passenger.

**Summary of Bill:**

An EDR is defined as a device installed by an auto manufacturer that records vehicle information on: speed, direction, location, steering performance, brake performance, driver's seatbelt status, or has the ability to transmit information concerning a collision to an external system.

If an auto manufacturer has installed an EDR in a vehicle, it must disclose the EDR's presence and functions in the vehicle's owners manual. Subscription services that include the use of an EDR must provide the same disclosures in the service agreement. The EDR data may not be accessed by anyone other than the owner of the vehicle except in the following five situations: (1) upon a court order for the data; (2) when the owner consents; (3) for research to improve vehicle safety as long as the owner and the vehicle remain anonymous; (4) to respond to a medical emergency; and (5) when the data is being used to fulfill a subscription services' agreement. Unlawful access of the EDR data is a misdemeanor.

For purposes of obtaining the EDR data to investigate a collision, the owner of the EDR data is the owner of the vehicle at the time of the collision.

Insurers may not non-renew or take any other negative underwriting action against an insured solely because the insured will not provide access to the EDR data.

Violations of the act are per se violations of the consumer protection act.

Technical changes unrelated to this bill are made to RCW 46.63.020 upon request of the Code Reviser's Office.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.