

AN ACT

relating to motor vehicles equipped with recording devices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.615 to read as follows:

Sec. 547.615. RECORDING DEVICES. (a) In this section:

(1) "Owner" means a person who:

(A) has all the incidents of ownership of a motor vehicle, including legal title, regardless of whether the person lends, rents, or creates a security interest in the vehicle;

(B) is entitled to possession of a motor vehicle as a purchaser under a security agreement; or

(C) is entitled to possession of a motor vehicle as a lessee under a written lease agreement if the agreement is for a period of not less than three months.

(2) "Recording device" means a feature that is installed by the manufacturer in a motor vehicle and that does any of the following for the purpose of retrieving information from the vehicle after an accident in which the vehicle has been involved:

(A) records the speed and direction the vehicle is traveling;

(B) records vehicle location data;

(C) records steering performance;

(D) records brake performance, including

1 information on whether brakes were applied before an accident;

2 (E) records the driver's safety belt status; or

3 (F) transmits information concerning the
4 accident to a central communications system when the accident
5 occurs.

6 (b) A manufacturer of a new motor vehicle that is sold or
7 leased in this state and that is equipped with a recording device
8 shall disclose that fact in the owner's manual of the vehicle.

9 (c) Information recorded or transmitted by a recording
10 device may not be retrieved by a person other than the owner of the
11 motor vehicle in which the recording device is installed except:

12 (1) on court order;

13 (2) with the consent of the owner for any purpose,
14 including for the purpose of diagnosing, servicing, or repairing
15 the motor vehicle;

16 (3) for the purpose of improving motor vehicle safety,
17 including for medical research on the human body's reaction to
18 motor vehicle accidents, if the identity of the owner or driver of
19 the vehicle is not disclosed in connection with the retrieved
20 information; or

21 (4) for the purpose of determining the need for or
22 facilitating emergency medical response in the event of a motor
23 vehicle accident.

24 (d) For information recorded or transmitted by a recording
25 device described by Subsection (a)(2)(B), a court order may be
26 obtained only after a showing that:

27 (1) retrieval of the information is necessary to

1 protect the public safety; or

2 (2) the information is evidence of an offense or
3 constitutes evidence that a particular person committed an offense.

4 (e) For the purposes of Subsection (c)(3):

5 (1) disclosure of a motor vehicle's vehicle
6 identification number with the last six digits deleted or redacted
7 is not disclosure of the identity of the owner or driver; and

8 (2) retrieved information may be disclosed only:

9 (A) for the purposes of motor vehicle safety and
10 medical research communities to advance the purposes described in
11 Subsection (c)(3); or

12 (B) to a data processor solely for the purposes
13 described in Subsection (c)(3).

14 (f) If a recording device is used as part of a subscription
15 service, the subscription service agreement must disclose that the
16 device may record or transmit information as described by
17 Subsection (a)(2). Subsection (c) does not apply to a subscription
18 service under this subsection.

19 SECTION 2. This Act takes effect September 1, 2006.

President of the Senate

Speaker of the House

I certify that H.B. No. 160 was passed by the House on February 24, 2005, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 160 on May 26, 2005, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 160 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor