

1-1 By: McCall, et al. H.B. No. 160  
1-2 (Senate Sponsor - Wentworth)  
1-3 (In the Senate - Received from the House February 28, 2005;  
1-4 March 30, 2005, read first time and referred to Committee on  
1-5 Transportation and Homeland Security; May 13, 2005, reported  
1-6 adversely, with favorable Committee Substitute by the following  
1-7 vote: Yeas 7, Nays 0; May 13, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 160 By: Wentworth

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to motor vehicles equipped with recording devices.  
1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-13 SECTION 1. Subchapter K, Chapter 547, Transportation Code,  
1-14 is amended by adding Section 547.615 to read as follows:  
1-15 Sec. 547.615. RECORDING DEVICES. (a) In this section:  
1-16 (1) "Owner" means a person who:  
1-17 (A) has all the incidents of ownership of a motor  
1-18 vehicle, including legal title, regardless of whether the person  
1-19 lends, rents, or creates a security interest in the vehicle;  
1-20 (B) is entitled to possession of a motor vehicle  
1-21 as a purchaser under a security agreement; or  
1-22 (C) is entitled to possession of a motor vehicle  
1-23 as a lessee under a written lease agreement if the agreement is for  
1-24 a period of not less than three months.  
1-25 (2) "Recording device" means a feature that is  
1-26 installed by the manufacturer in a motor vehicle and that does any  
1-27 of the following for the purpose of retrieving information from the  
1-28 vehicle after an accident in which the vehicle has been involved:  
1-29 (A) records the speed and direction the vehicle  
1-30 is traveling;  
1-31 (B) records vehicle location data;  
1-32 (C) records steering performance;  
1-33 (D) records brake performance, including  
1-34 information on whether brakes were applied before an accident;  
1-35 (E) records the driver's safety belt status; or  
1-36 (F) transmits information concerning the  
1-37 accident to a central communications system when the accident  
1-38 occurs.  
1-39 (b) A manufacturer of a new motor vehicle that is sold or  
1-40 leased in this state and that is equipped with a recording device  
1-41 shall disclose that fact in the owner's manual of the vehicle.  
1-42 (c) Information recorded or transmitted by a recording  
1-43 device may not be retrieved by a person other than the owner of the  
1-44 motor vehicle in which the recording device is installed except:  
1-45 (1) on court order;  
1-46 (2) with the consent of the owner for any purpose,  
1-47 including for the purpose of diagnosing, servicing, or repairing  
1-48 the motor vehicle;  
1-49 (3) for the purpose of improving motor vehicle safety,  
1-50 including for medical research on the human body's reaction to  
1-51 motor vehicle accidents, if the identity of the owner or driver of  
1-52 the vehicle is not disclosed in connection with the retrieved  
1-53 information; or  
1-54 (4) for the purpose of determining the need for or  
1-55 facilitating emergency medical response in the event of a motor  
1-56 vehicle accident.  
1-57 (d) For information recorded or transmitted by a recording  
1-58 device described by Subsection (a)(2)(B), a court order may be  
1-59 obtained only after a showing that:  
1-60 (1) retrieval of the information is necessary to  
1-61 protect the public safety; or  
1-62 (2) the information is evidence of an offense or  
1-63 constitutes evidence that a particular person committed an offense.

2-1 (e) For the purposes of Subsection (c)(3):

2-2 (1) disclosure of a motor vehicle's vehicle  
2-3 identification number with the last six digits deleted or redacted  
2-4 is not disclosure of the identity of the owner or driver; and

2-5 (2) retrieved information may be disclosed only:

2-6 (A) for the purposes of motor vehicle safety and  
2-7 medical research communities to advance the purposes described in  
2-8 Subsection (c)(3); or

2-9 (B) to a data processor solely for the purposes  
2-10 described in Subsection (c)(3).

2-11 (f) If a recording device is used as part of a subscription  
2-12 service, the subscription service agreement must disclose that the  
2-13 device may record or transmit information as described by  
2-14 Subsection (a)(2). Subsection (c) does not apply to a subscription  
2-15 service under this subsection.

2-16 SECTION 2. This Act takes effect September 1, 2006.

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