

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5609

To require automobile dealers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2006

Mrs. BONO (for herself and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require automobile dealers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

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

3        **SECTION 1. FINDINGS.**

4        Congress finds the following:

5            (1) Consumers have the right to know that  
6        event data recorders are installed in their vehicles,  
7        that they are capable of collecting data recorded in

1 automobile accidents, and how such data may be  
2 used.

3 (2) From the standpoint of consumer privacy  
4 rights, most consumers are not aware that their ve-  
5 hicles are recording data that not only may be used  
6 to aid traffic safety analyses, but has the potential  
7 of being used against them in a civil or criminal pro-  
8 ceeding, or by their insurer to increase rates.

9 (3) There exists no Federal law clarifying the  
10 rights of a vehicle owner to ownership of the re-  
11 corded data and, in the absence of Federal direction,  
12 States have begun to create different standards of  
13 ownership and rights for recorded data.

14 **SEC. 2. DISCLOSURE OF EVENT DATA RECORDERS ON**  
15 **AUTOMOBILES.**

16 (a) **REQUIRED DISCLOSURE.**—In accordance with  
17 regulations prescribed by the Federal Trade Commission  
18 under section 5(c), a dealer shall disclose, to each con-  
19 sumer who purchases a new automobile, in a clear and  
20 conspicuous written format at the time of purchase, the  
21 following information regarding any event data recorder  
22 installed on such new automobile—

23 (1) the presence and location of an event data  
24 recorder;

1           (2) the type of information recorded by the  
2           event data recorder and how such information is re-  
3           corded; and

4           (3) that the information recorded by the event  
5           data recorder also may be used in a law enforcement  
6           proceeding.

7           (b) **REQUIRED DISCLOSURES IN OWNER’S MAN-**  
8 **UAL.**—The manufacturer shall include, in clear and con-  
9           spicuous language in the owner’s manual of any new auto-  
10          mobile containing an event data recorder, the disclosures  
11          required by subsection (a).

12 **SEC. 3. OWNERSHIP AND RETRIEVAL OF EVENT DATA RE-**  
13 **CORDER DATA.**

14          Any event data recorder in the vehicle and any data  
15          recorded on any event data recorder in the vehicle shall  
16          be considered the property of the owner of the vehicle.  
17          Data that is recorded on any event data recorder may not  
18          be downloaded or otherwise retrieved by a person other  
19          than the owner of the motor vehicle, except under one of  
20          the following circumstances:

21               (1) The owner of the motor vehicle or the own-  
22               er’s agent or legal representative consents to the re-  
23               trieval of the information.

24               (2) In response to an order of a court having  
25               jurisdiction to issue the order.

1           (3) The data is retrieved by a motor vehicle  
2 dealer, or by an automotive technician for the pur-  
3 pose of diagnosing, servicing, or repairing the motor  
4 vehicle.

5           (4) For the purpose of improving motor vehicle  
6 safety, including medical research on the human  
7 body's reaction to motor vehicle accidents, provided  
8 that the identity of the registered owner or driver is  
9 not disclosed in connection with that retrieved data.

10 **SEC. 4. REQUIREMENT FOR EVENT DATA RECORDERS ON**  
11 **NEW AUTOMOBILES.**

12       No person may manufacture for sale, sell, offer for  
13 sale, introduce or deliver into interstate commerce, or im-  
14 port into the United States, an automobile manufactured  
15 after 2008 (and bearing a model year of 2009 or later)  
16 that is equipped with an event data recorder, unless such  
17 event data recorder includes a function whereby the con-  
18 sumer has the option to enable or disable the recording  
19 function of the event data recorder. Once disabled, the re-  
20 cording function shall not resume functioning until the  
21 consumer elects to enable such functioning.

22 **SEC. 5. ENFORCEMENT.**

23       (a) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-  
24 CEPTIVE ACTS OR PRACTICES.—A violation of section 2,  
25 3 or 4 shall be treated as a violation of a rule defining

1 an unfair or deceptive act or practice prescribed under sec-  
2 tion 18(a)(1)(B) of the Federal Trade Commission Act  
3 (15 U.S.C. 57a(a)(1)(B)).

4 (b) FEDERAL TRADE COMMISSION AUTHORITY.—  
5 The Federal Trade Commission shall enforce this Act in  
6 the same manner, by the same means, and with the same  
7 jurisdiction, powers, and duties as though all applicable  
8 terms and provisions of the Federal Trade Commission  
9 Act (15 U.S.C. 41 et seq.) were incorporated into and  
10 made a part of this Act.

11 (c) RULEMAKING.—Within 180 days following the  
12 enactment of this Act, the Federal Trade Commission  
13 shall prescribe regulations to carry out this Act, including  
14 guidelines setting forth a uniform method by which a deal-  
15 er may provide the disclosures and options required by  
16 section 2.

17 **SEC. 6. DEFINITIONS.**

18 As used in this Act:

19 (1) The term “consumer” has the meaning  
20 given the term “ultimate purchaser” in section 2 of  
21 the Automobile Information Disclosure Act (15  
22 U.S.C. 1231).

23 (2) The term “dealer” has the meaning given  
24 that term in section 30102(a) of title 49, United  
25 States Code.

1           (3) The term “event data recorder” means any  
2           device or means of technology installed in an auto-  
3           mobile that records information such as vehicle  
4           speed, seatbelt use, application of brakes or other in-  
5           formation pertinent to the operation of the auto-  
6           mobile.

7           (4) The terms “manufacturer” and “new auto-  
8           mobile” have the meanings given those terms in sec-  
9           tion 2 of the Automobile Information Disclosure Act  
10          (15 U.S.C. 1231).

11 **SEC. 7. EFFECTIVE DATE.**

12          This Act shall take effect 180 days after the date of  
13          enactment of this Act.

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