

Introduced by

Senators Holmberg, Trenbeath, Triplett

Representatives DeKrey, Delmore, Kretschmar

1 A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota  
2 Century Code, relating to recording devices on motor vehicles; to provide a penalty; and to  
3 provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Recording devices on motor vehicles - Disclosure - Removal - Penalty.**

- 8 1. A manufacturer of a new motor vehicle sold or leased in this state which is  
9 equipped with a recording device commonly referred to as an event data recorder  
10 or sensing and diagnostic module shall disclose that fact in the owner's manual for  
11 the vehicle. A motor vehicle dealer shall include within the purchase contract in a  
12 clear and conspicuous manner information on the possibility of a recording device  
13 and on the option of the owner to disconnect the recording device. The  
14 manufacturer of a new motor vehicle shall provide for the disconnection of a  
15 recording device. The new motor vehicle dealer that sold the motor vehicle shall  
16 disconnect the recording device from that motor vehicle upon request of the owner.  
17 A manufacturer or dealer of a motor vehicle may not take any negative action  
18 against the owner as a result of the request, except to charge a reasonable fee.  
19 Any contract provision to the contrary is void. As used in this section, recording  
20 device means a device that is installed by the manufacturer of the vehicle and does  
21 any of the following for the purpose of retrieving data after an accident:
- 22 a. Records how fast and the direction the motor vehicle is traveling.
  - 23 b. Records a history of where the motor vehicle travels.
  - 24 c. Records steering performance.

- 1           d. Records brake performance including whether brakes were applied before an  
2           accident.
- 3           e. Records the driver's safety belt status.
- 4           f. Has the ability to transmit information concerning an accident in which the  
5           motor vehicle has been involved to a central communications system when an  
6           accident occurs.
- 7           2. Data described in subsection 1 which is recorded on a recording device may not be  
8           downloaded or otherwise retrieved by a person other than the registered owner of  
9           the motor vehicle, except under any of the following circumstances:
- 10          a. The data is retrieved after receiving the consent of the registered owner of the  
11          motor vehicle.
- 12          b. The data is retrieved in response to an order of a court having jurisdiction to  
13          issue the order.
- 14          c. The data is retrieved for the purpose of improving motor vehicle safety,  
15          including for medical research of the human body's reaction to motor vehicle  
16          accidents, and the identity of the registered owner or driver is not disclosed in  
17          connection with that retrieved data. The disclosure of the vehicle identification  
18          number for the purpose of improving vehicle safety, including for medical  
19          research of the human body's reaction to motor vehicle accidents, does not  
20          constitute the disclosure of the identity of the registered owner or driver. A  
21          person authorized to download or otherwise retrieve data from a recording  
22          device under this subdivision may not release that data, except to share the  
23          data among the motor vehicle safety and medical research communities to  
24          advance motor vehicle safety, and only if the identity of the registered owner  
25          or driver is not disclosed.
- 26          d. The data is retrieved by a licensed motor vehicle dealer or by an automotive  
27          technician for the purpose of diagnosing, servicing, or repairing the motor  
28          vehicle.
- 29           3. If a motor vehicle is equipped with a recording device that is capable of recording  
30           or transmitting information relating to the listing of where the motor vehicle travels  
31           or concerning an accident to a central communications system and that capability

1                   is part of a subscription service, the fact that the information may be recorded or  
2                   transmitted must be disclosed in the subscription service agreement. Subsection 2  
3                   does not apply to a subscription service that meets the requirements of this  
4                   subsection.

5           4.    A violation of this section by a motor vehicle dealer is grounds for action on the  
6                   motor vehicle dealer's license of that dealer. A violation of this section by a  
7                   manufacturer is an unlawful practice under section 51-15-02.

8           **SECTION 2. APPLICATION.** This Act applies to all motor vehicles manufactured after  
9    July 31, 2005.