

112TH CONGRESS  
1ST SESSION

# H. R. 2374

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 24, 2011

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 that—

5 (1) from the standpoint of consumer privacy  
6 rights, most consumers are not aware that their ve-  
7 hicles are recording data that not only may be used

1 to aid traffic safety analyses, but has the potential  
2 of being used against them in a civil or criminal pro-  
3 ceeding, or by their insurer to increase rates; and

4 (2) there exists no Federal law clarifying the  
5 rights of a vehicle owner to ownership of the re-  
6 corded data and, in the absence of Federal direction,  
7 States have begun to create different standards of  
8 ownership and rights for recorded data.

9 **SEC. 2. OWNERSHIP AND UNLAWFUL RETRIEVAL OF EVENT**  
10 **DATA RECORDER DATA.**

11 (a) OWNERSHIP RIGHTS; CONDUCT PROHIBITED.—  
12 Any event data recorder in a motor vehicle and any data  
13 recorded on any event data recorder in a motor vehicle  
14 shall be considered the property of the owner of the motor  
15 vehicle. It shall be unlawful for any person other than the  
16 owner of the motor vehicle to download or otherwise re-  
17 trieve data that is recorded on any event data recorder  
18 except under one of the following circumstances:

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

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

24 (3) The data is retrieved by a motor vehicle  
25 dealer, or by an automotive technician for the pur-

1       pose of diagnosing, servicing, or repairing the motor  
2       vehicle.

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

8       (b) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-  
9       CEPTIVE ACTS OR PRACTICES.—A violation of subsection  
10      (a) shall be treated as a violation of a rule defining an  
11      unfair or deceptive act or practice prescribed under section  
12      18(a)(1)(B) of the Federal Trade Commission Act (15  
13      U.S.C. 57a(a)(1)(B)).

14      (c) FEDERAL TRADE COMMISSION AUTHORITY.—  
15      The Federal Trade Commission shall enforce this section  
16      in the same manner, by the same means, and with the  
17      same jurisdiction, powers, and duties as though all appli-  
18      cable terms and provisions of the Federal Trade Commis-  
19      sion Act (15 U.S.C. 41 et seq.) were incorporated into and  
20      made a part of this section.

21      (d) DEFINITIONS.—As used in this section—

22               (1) the term “dealer” has the meaning given  
23       that term in section 30102(a) of title 49, United  
24       States Code;

1           (2) 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; and

7           (3) 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       (e) EFFECTIVE DATE.—This section shall take effect  
12 180 days after the date of enactment of this Act.

13 **SEC. 3. REQUIREMENT FOR EVENT DATA RECORDERS ON**  
14 **NEW AUTOMOBILES.**

15       Subchapter II of chapter 301 of title 49, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18 **“§ 30129. Requirement to allow disabling of event**  
19 **data recorder**

20       “(a) REQUIREMENT.—It shall be unlawful for any  
21 person to manufacture for sale, sell, offer for sale, intro-  
22 duce, or deliver into interstate commerce, or import into  
23 the United States, a new motor vehicle manufactured after  
24 2011 (and bearing a model year of 2013 or later) that  
25 is equipped with an event data recorder, unless such event

1 data recorder includes a function whereby the owner of  
2 the motor vehicle has the option to enable or disable the  
3 recording function of the event data recorder. Once dis-  
4 abled, the recording function shall not resume functioning  
5 until the owner elects to enable such functioning.

6 “(b) DEFINITIONS.—As used in the section, the term  
7 ‘event data recorder’ means any device or means of tech-  
8 nology installed in an automobile that records information  
9 such as vehicle speed, seatbelt use, application of brakes  
10 or other information pertinent to the operation of the  
11 automobile”.

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