§1972. Ownership and access to data

1. Ownership; access. Data described in section 1971, subsection 1 that are recorded on an event data recorder may not be downloaded or otherwise retrieved by a person other than the owner of the motor vehicle at the time the data are accessed, except under the following circumstances:

A. The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information; [PL 2005, c. 544, §1 (NEW).]

B. A court of competent jurisdiction in this State orders the production of the data; [PL 2005, c. 544, §1 (NEW).]

C. For purposes of improving motor vehicle safety, security or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner or driver is not disclosed in connection with that retrieved data. For the purposes of this paragraph, the disclosure of the vehicle identification number with the last 4 digits deleted does not constitute the disclosure of the identity of the owner or driver; [PL 2005, c. 544, §1 (NEW).]

D. The data are retrieved by a licensed motor vehicle dealer or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle; [PL 2005, c. 544, §1 (NEW).]

E. The data are retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash; [PL 2005, c. 544, §1 (NEW).]

F. The data are retrieved by a law enforcement officer acting pursuant to authority recognized under applicable statutory or constitutional law; or [PL 2005, c. 544, §1 (NEW).]

G. The data are requested as part of routine civil or criminal discovery. [PL 2005, c. 544, §1 (NEW).]

[PL 2007, c. 695, Pt. A, §34 (AMD).]

2. Release of data prohibited; exceptions. A person, including a service or data processor operating on behalf of such person, authorized to download or otherwise retrieve data from the event data recorder pursuant to subsection 1, paragraph C may not release the data except:

A. For the purpose of motor vehicle safety and medical research communities to advance motor vehicle safety, security or traffic management; or [PL 2005, c. 544, §1 (NEW).]

B. To a data processor solely for the purposes permitted by this subsection only if the identity of the owner or driver is not disclosed. [PL 2005, c. 544, §1 (NEW).]

[PL 2005, c. 544, §1 (NEW).]

3. Disclosure by subscription services. If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting information described in section 1971, subsection 1 and that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement.

[PL 2005, c. 544, §1 (NEW).]

4. Application concerning subscription services. Subsection 1 does not apply to subscription services meeting the requirements of subsection 3.

[PL 2005, c. 544, §1 (NEW).]

5. Duty to cooperate. Nothing in this subchapter affects an insured's duty to cooperate as provided in an applicable insurance contract or agreement.

[PL 2005, c. 544, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 544, §1 (NEW). PL 2007, c. 695, Pt. A, §34 (AMD).

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