

CHAPTER.....

AN ACT relating to motor vehicles; requiring disclosure of the existence of certain event recording devices in motor vehicles under certain circumstances; restricting the use of information retrieved from an event data recording device under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A manufacturer of a new motor vehicle which is sold or leased in this State and which is equipped with an event recording device shall disclose that fact in the owner's manual for the vehicle. The disclosure must include, if applicable, a statement that the event recording device:

(a) Records the direction and rate of speed at which the motor vehicle travels;

(b) Records a history of where the motor vehicle travels;

(c) Records steering performance;

(d) Records brake performance, including, without limitation, whether the brakes were applied before an accident;

(e) Records the status of the driver's safety belt; and

(f) If an accident involving the motor vehicle occurs, is able to transmit information concerning the accident to a central communications system.

2. Except as otherwise provided in this section, data recorded by an event recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the vehicle. Data recorded by an event recording device may be downloaded or otherwise retrieved by a person other than the registered owner of the vehicle:

(a) If the registered owner of the vehicle consents to the retrieval of the data.

(b) Pursuant to the order of a court of competent jurisdiction.

(c) If the data is retrieved for the purpose of conducting research to improve motor vehicle safety, including, without limitation, conducting medical research to determine the reaction of a human body to motor vehicle accidents, provided that the identity of the registered owner or driver is not disclosed in connection with the retrieval of that data. The disclosure of a vehicle identification number pursuant to this paragraph does not

constitute the disclosure of the identity of the registered owner or driver of the vehicle.

(d) If the data is retrieved by a new vehicle dealer or a garageman to diagnose, service or repair the motor vehicle.

(e) Pursuant to an agreement for subscription services for which disclosure required by subsection 4 has been made.

3. A person who retrieves data from an event recording device pursuant to paragraph (c) of subsection 2 shall not disclose that data to any person other than a person who is conducting research specified in that paragraph.

4. If a motor vehicle is equipped with an event recording device that is able to record or transmit any information described in subparagraph (2) or (6) of paragraph (a) of subsection 6 and that ability is part of a subscription service for the motor vehicle, the fact that the information may be recorded or transmitted must be disclosed in the agreement for the subscription service.

5. Any person who violates the provisions of this section is guilty of a misdemeanor.

6. As used in this section:

(a) "Event recording device" means a device which is installed by the manufacturer of a motor vehicle and which, for the purposes of retrieving data after an accident involving the motor vehicle:

(1) Records the direction and rate of speed at which the motor vehicle travels;

(2) Records a history of where the motor vehicle travels;

(3) Records steering performance;

(4) Records brake performance, including, without limitation, whether the brakes were applied before an accident;

(5) Records the status of the driver's safety belt; or

(6) If an accident involving the motor vehicle occurs, is able to transmit information concerning the accident to a central communications system.

(b) "Garageman" has the meaning ascribed to it in NRS 487.545.

(c) "New vehicle dealer" has the meaning ascribed to it NRS 482.078.

(d) "Owner" means:

(1) A person having all the incidents of ownership, including the legal title of the motor vehicle, whether or not he lends, rents or creates a security interest in the motor vehicle;

(2) A person entitled to possession of the motor vehicle as the purchaser under a security agreement; or

(3) A person entitled to possession of the motor vehicle as a lessee pursuant to a lease agreement if the term of the lease is more than 3 months.

Sec. 2. The provisions of this act apply to all motor vehicles that are manufactured on or after January 1, 2006.

Sec. 3. This act becomes effective on January 1, 2006.

