**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3541**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hart

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Introduced in the House on February 2, 2011

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Vehicles with event data recorder or sensing and diagnostic module

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2011 House Introduced and read first time ([House Journal‑page 15](file:///h:\hj%20archive\2011\02-02-11.docx))

2/2/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 15](file:///h:\hj%20archive\2011\02-02-11.docx))

**VERSIONS OF THIS BILL**

[2/2/2011](file:///p:\pprever\2011-12\3541_20110202.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑15‑150 SO AS TO PROVIDE THAT A MANUFACTURER OF A NEW MOTOR VEHICLE THAT IS SOLD OR LEASED IN THIS STATE WHICH IS EQUIPPED WITH AN EVENT DATA RECORDER OR A SENSING AND DIAGNOSTIC MODULE SHALL DISCLOSE THIS INFORMATION IN THE MOTOR VEHICLE’S OWNER’S MANUAL AND ON ITS WINDOW STICKER, TO PROVIDE THAT A COMPANY THAT RENTS A MOTOR VEHICLE THAT IS EQUIPPED WITH THIS DEVICE MUST DISCLOSE ITS EXISTENCE IN THE COMPANY’S RENTAL AGREEMENT, TO PROVIDE A DEFINITION FOR THE TERM “RECORDING DEVICE”, TO RESTRICT THE USE OF CERTAIN DATA OBTAINED BY A RECORDING DEVICE, AND TO PROVIDE THAT IF A VEHICLE IS EQUIPPED WITH A RECORDING DEVICE THAT IS CAPABLE OF RECORDING OR TRANSMITTING CERTAIN INFORMATION 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.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 15, Title 56 of the 1976 Code is amended by adding:

“Section 56‑15‑150. (A) A manufacturer of a new motor vehicle sold or leased in this State, which is equipped with a recording device referred to as an ‘event data recorder’ or ‘sensing and diagnostic module’ shall disclose this information in the vehicle’s owner’s manual and on its window sticker. A company that rents a motor vehicle equipped with this device must disclose its existence in the company’s rental agreement.

(B) As used in this section, ‘recording device’ means a device that is installed by the manufacturer of the vehicle and does one or more of the following for the purpose of retrieving data after an accident:

(1) records the speed of the motor vehicle and the direction in which it is traveling;

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

(3) records steering performance;

(4) records brake performance, including, but not limited to, whether brakes were applied before an accident;

(5) records the driver’s seatbelt status; or

(6) has the ability to transmit information concerning an accident in which the motor vehicle has been involved to a central communications system when an accident occurs.

(C) Data described in subsection (B) that is recorded on a recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except:

(1) if the registered owner of the motor vehicle consents to the retrieval of the information;

(2) in response to an order of a court of competent jurisdiction;

(3) for the purpose of improving motor vehicle safety, including for medical research of the human body’s reaction to motor vehicle accidents, and if the identity of the registered owner or driver is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number for the purpose of improving vehicle safety, including for medical research of the human body’s reaction to motor vehicle accidents, does not constitute the disclosure of the identity of the registered owner or driver; or

(4) the data is retrieved by a licensed new motor vehicle dealer, or by an automotive repair facility, for the purpose of diagnosing, servicing, or repairing the motor vehicle.

(D) A person authorized to download or otherwise retrieve data from a recording device pursuant to subsection (C)(3) may not release that data, except to share the data among the motor vehicle safety and medical research communities, to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

(E) If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information as described in subsection (B)(2) or (B)(6) 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. Subsection (C) does not apply to subscription services meeting this requirement.”

SECTION 2. This act takes effect upon approval by the Governor.

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