

111TH CONGRESS
2^D SESSION

S. 3271

To amend section 30166 of title 49, United States Code, to require the installation of event data recorders in all motor vehicles manufactured for sale in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2010

Mr. UDALL of New Mexico introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend section 30166 of title 49, United States Code, to require the installation of event data recorders in all motor vehicles manufactured for sale in the United States, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Vehicle Event History
5 Information Capturing Leads to Engineering Safety Im-
6 provements Act of 2010” or the “VEHICLE Safety Im-
7 provements Act of 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) In August 2001, the National Highway
4 Traffic Safety Administration Research and Devel-
5 opment Event Data Recorder Working Group pub-
6 lished the following findings:

7 (A) “EDRs [event data recorders] have the
8 potential to greatly improve highway safety, for
9 example, by improving occupant protection sys-
10 tems and improving the accuracy of crash re-
11 constructions.”.

12 (B) “EDR technology has potential safety
13 applications for all classes of motor vehicles.”.

14 (C) “A wide range of crash related and
15 other data elements have been identified which
16 might usefully be captured by future EDR sys-
17 tems.”.

18 (D) “NHTSA has incorporated EDR data
19 collection in its motor vehicle research data-
20 bases.”.

21 (E) “Open access to EDR data (minus
22 personal identifiers) will benefit researchers,
23 crash investigators, and manufacturers in im-
24 proving safety on the highways.”.

25 (F) “Studies of EDRs in Europe and the
26 U.S. have shown that driver and employee

1 awareness of an on-board EDR reduces the
2 number and severity of drivers' crashes.”.

3 (G) “Given the differing nature of cars,
4 vans, SUVs, and other lightweight vehicles,
5 compared to heavy trucks, school buses, and
6 motorcoaches, different EDR systems may be
7 required to meet the needs of each vehicle
8 class.”.

9 (H) “Most systems utilize proprietary tech-
10 nology and require the manufacturer to
11 download and analyze the data.”.

12 (2) The National Highway Traffic Safety Ad-
13 ministration (NHTSA) issued an event data re-
14 corder rule on August 28, 2006 (71 Fed. Reg.
15 50998), that—

16 (A) included a number of technical require-
17 ments for event data recorders if they were pro-
18 vided in the motor vehicle, including standard-
19 ized data required to be collected, the data for-
20 mat, and requirements for the event data re-
21 corder to be readable following severe crashes;
22 and

23 (B) did not require the installation of
24 event data recorders in any motor vehicle.

1 (3) Recent NHTSA investigations have high-
2 lighted the importance of event data recorders in de-
3 termining the nature and cause of motor vehicle
4 crashes and malfunctions.

5 **SEC. 3. EVENT DATA RECORDERS.**

6 Section 30166 of title 49, United States Code, is
7 amended—

8 (1) by amending subsection (a) to read as fol-
9 lows:

10 “(a) DEFINITIONS.—In this section:

11 “(1) MODEL YEAR.—The term ‘model year’
12 means—

13 “(A) the annual production period of a
14 manufacturer that begins on September 1 of
15 the year preceding the calendar year for which
16 the model year is named; and

17 “(B) the calendar year for which the model
18 year is named, if the manufacturer has no an-
19 nual production period.

20 “(2) MOTOR VEHICLE CRASH.—The term
21 ‘motor vehicle crash’ means an occurrence associated
22 with the maintenance or operation of a motor vehicle
23 or motor vehicle equipment resulting in personal in-
24 jury, death, or property damage.

1 “(3) OWNER.—The term ‘owner’ means a per-
2 son who—

3 “(A) has all the incidents of ownership of
4 a motor vehicle, including legal title, regardless
5 of whether the person lends, rents, or creates a
6 security interest in the vehicle; or

7 “(B) is entitled to possession of a motor
8 vehicle as—

9 “(i) a purchaser under a security
10 agreement; or

11 “(ii) a lessee under a written lease
12 agreement for a period of at least 3
13 months.

14 “(4) RECORDING DEVICE.—The term ‘recording
15 device’ means a feature that—

16 “(A) is installed by the manufacturer in a
17 motor vehicle; and

18 “(B) complies with part 563 of title 49,
19 Code of Federal Regulations, for the purpose of
20 retrieving information from the motor vehicle
21 after an event involving the motor vehicle.”;
22 and

23 (2) in subsection (b)(1)(B), by striking “acci-
24 dent” and inserting “crash”;

1 (3) in subsection (c)(3), by striking “accident”
2 each place it appears and inserting “crash”; and

3 (4) by adding at the end the following:

4 “(o) EVENT DATA RECORDERS.—

5 “(1) INSTALLATION REQUIREMENT.—

6 “(A) LIGHT-DUTY MOTOR VEHICLES.—Be-
7 ginning not later than the September 1 that is
8 between 1 and 2 years after the date on which
9 regulations are promulgated under section 4(a)
10 of the VEHICLE Safety Improvements Act of
11 2010—

12 “(i) each new motor vehicle with a
13 gross vehicle weight rating of not more
14 than 8,500 pounds that manufactured for
15 sale or lease in the United States shall be
16 equipped with a recording device that com-
17 plies with part 563 of title 49, Code of
18 Federal Regulations (or any successor reg-
19 ulation); and

20 “(ii) the data stored on any recording
21 device installed in any such new motor ve-
22 hicle shall be accessible and retrievable by
23 a commercially available universal data
24 reader.

1 “(B) MEDIUM- AND HEAVY-DUTY MOTOR
2 VEHICLES.—Beginning not later than the Sep-
3 tember 1 that is between 3 and 4 years after
4 the date on which regulations are promulgated
5 under section 4(b) of the VEHICLE Safety Im-
6 provements Act of 2010—

7 “(i) each new motor vehicle with a
8 gross vehicle weight rating of more than
9 8,500 pounds that is manufactured for sale
10 or lease in the United States shall be
11 equipped with a recording device that com-
12 plies with part 563 of title 49, Code of
13 Federal Regulations (or any successor reg-
14 ulation); and

15 “(ii) the data stored on any recording
16 device installed in any such new motor ve-
17 hicle shall be accessible and retrievable by
18 a commercially available universal data
19 reader.

20 “(2) DISCLOSURE.—The owner’s manual of
21 each new motor vehicle sold or leased in the United
22 States that is equipped with a recording device shall
23 clearly indicate the presence of such a recording de-
24 vice, in accordance with section 563.11 of title 49,

1 Code of Federal Regulations (or any successor regu-
2 lation).

3 “(3) PRIVACY PROTECTION.—Information re-
4 corded or transmitted by a recording device may not
5 be retrieved by a person other than the owner of the
6 motor vehicle in which the recording device is in-
7 stalled unless—

8 “(A) a court authorizes retrieval of such
9 information in furtherance of a legal pro-
10 ceeding;

11 “(B) the owner consents to such retrieval
12 for any purpose, including diagnosing, servicing,
13 or repairing the motor vehicle; or

14 “(C)(i) the information is retrieved by a
15 government motor vehicle safety agency for the
16 purpose of improving motor vehicle safety; and

17 “(ii) the personally identifiable information
18 of the owner or driver of the vehicle or the vehi-
19 cle identification number is not disclosed in con-
20 nection with the retrieved information.”.

21 **SEC. 4. RULEMAKING.**

22 (a) LIGHT-DUTY MOTOR VEHICLES.—Not later than
23 18 months after the date of the enactment of this Act,
24 the Secretary of Transportation shall promulgate regula-
25 tions to carry out the provisions of section 30166(o) of

1 title 49, United States Code, relating to light-duty motor
2 vehicles.

3 (b) MEDIUM- AND HEAVY-DUTY MOTOR VEHI-
4 CLES.—Not later than 3 years after the date of the enact-
5 ment of this Act, the Secretary of Transportation shall
6 promulgate regulations to carry out the provisions of sec-
7 tion 30166(o) of title 49, United States Code, relating to
8 medium- and heavy-duty motor vehicles.

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