

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 844

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Vernon D. Asbill

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING DISCLOSURE OF EVENT DATA
RECORDERS IN MOTOR VEHICLES; RESTRICTING THE USE OF EVENT DATA
RECORDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
Chapter 120, Section 6, as amended) is amended to read:

"66-1-4.5. DEFINITIONS. -- As used in the Motor Vehicle
Code:

A. "essential parts" means all integral and body
parts of a vehicle of a type required to be registered by the
provisions of the Motor Vehicle Code, the removal, alteration
or substitution of which would tend to conceal the identity of
the vehicle or substantially alter its appearance, model, type
or mode of operation;

. 164348. 2

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. "established place of business", for a dealer
2 or auto recycler, means a place:

3 (1) devoted exclusively to the business for
4 which the dealer or auto recycler is licensed and related
5 business;

6 (2) identified by a prominently displayed
7 sign giving the dealer's or auto recycler's trade name used by
8 the business;

9 (3) of sufficient size or space to permit the
10 display of one or more vehicles or to permit the parking or
11 storing of vehicles to be dismantled or wrecked for recycling;

12 (4) on which there is located an enclosed
13 building on a permanent foundation, which building meets the
14 building requirements of the community and is large enough to
15 accommodate the office or offices of the dealer or auto
16 recycler and large enough to provide a safe place to keep the
17 books and records of the dealer or auto recycler;

18 (5) where the principal portion of the
19 business of the dealer or auto recycler is conducted and where
20 the books and records of the business are kept and maintained;
21 and

22 (6) where vehicle sales are of new vehicles
23 only, such as a department store or a franchisee of a
24 department store, as long as the department store or
25 franchisee keeps the books and records of its vehicle business

. 164348. 2

underscored material = new
[bracketed material] = delete

1 in a general office location at its place of business; as used
2 in this paragraph, "department store" means a business that
3 offers a variety of merchandise other than vehicles, and sales
4 of the merchandise other than vehicles constitute at least
5 eighty percent of the gross sales of the business; [~~and~~]

6 C. "event data recorder" means a device installed
7 in a motor vehicle by its manufacturer for the purpose of
8 retrieving information about the operation of the motor
9 vehicle, including data relating to speed, direction,
10 location, functioning, performance and use of safety devices
11 in the motor vehicle; and

12 [~~C-~~] D. "explosives" means any chemical compound
13 or mechanical mixture that is commonly used or intended for
14 the purpose of producing an explosion and that contains any
15 oxidizing and combustive units or other ingredients in such
16 proportions, quantities or packing that an ignition by fire,
17 friction, concussion, percussion or detonator of any part of
18 the compound or mixture may cause such a sudden generation of
19 highly heated gases that the resultant gaseous pressures are
20 capable of producing destructive effects on contiguous objects
21 or of destroying life or limb."

22 Section 2. A new section of the Motor Vehicle Code is
23 enacted to read:

24 "[NEW MATERIAL] EVENT DATA RECORDERS--NOTICE--USE.--

25 A. If a motor vehicle is equipped with an event

. 164348. 2

1 data recorder, that fact shall be disclosed:

2 (1) in the owner's manual in bold-faced type,
3 beginning January 1, 2008; and

4 (2) by any subscription service that uses
5 information from an event data recorder in the subscription
6 service agreement.

7 B. Information from an event data recorder shall
8 not be retrieved or downloaded by anyone other than the legal
9 or registered owner of the motor vehicle, except in the
10 following circumstances:

11 (1) the registered owner consents to the
12 retrieval of the data;

13 (2) in response to an order of a court having
14 jurisdiction to issue the order;

15 (3) to improve motor vehicle safety, provided
16 that the identity of the registered owner or driver is not
17 disclosed in connection with the data; and

18 (4) to diagnose, service or repair the motor
19 vehicle.

20 C. Information from an event data recorder
21 retrieved in violation of this section is inadmissible as
22 evidence in any civil, criminal or administrative action."