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FISCAL IMPACT REPORT

ORIGINAL DATE 2/27/2007

SPONSOR SJC LAST UPDATED 3/14/2007 HB _____

SHORT TITLE Event Data Recorders in Motor Vehicles SB CS/844/aHBIC

ANALYST Schuss

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of HBIC Amendment

The amendment proposed by the House Business and Industry Committee revises Subsection C of Section 2 to read:

A person, including a service or data processor operating on behalf of the person, authorized to download or otherwise retrieve data from an event data recorder pursuant to *Paragraph (3) of Subsection B* of this section may not release that data except:

- for the purposes of motor vehicle safety and medical research communities to advance motor vehicle safety; or
- to a data processor; provided that the identity of the owner or driver is not disclosed.

Paragraph 3 of Subsection B references the retrieval of data to improve motor vehicle safety, security or traffic management, including for medical research of the human body's reaction to motor vehicle crashes; provided that the identity of the owner or driver is not disclosed in connection with the data, but the disclosure of the vehicle identification number does not constitute the disclosure of the identity of the owner or driver.

Synopsis of Original Bill

The Senate Judiciary Substitute for Senate Bill 844 amends Section 66-1-4.5 NMSA 1978 adding the definition “event data recorder” and adds a new section to the motor vehicle code requiring disclosure of event data recorders in motor vehicles and restricting the use of event data recorders.

FISCAL IMPLICATIONS

There will be minimal administrative costs to the courts for statewide update, distribution and documentation of statutory changes. New laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase

SIGNIFICANT ISSUES

The fact that a motor vehicle is equipped with an event data recorder will be disclosed in the owner’s manual beginning January 1, 2008 and by any subscription service that uses information from an event data recorder.

Information from an event data recorder cannot be retrieved by anyone other than the owner except:

- when the owner or owner’s agent consents;
- in response to an order of the court or administrative agency having jurisdiction to issue the order;
- to improve motor vehicle safety, security or traffic management provided that the identity of the owner or driver is not disclosed, but disclosure of the vehicle identification number does not constitute the disclosure of the identity of the owner or driver;
- to diagnose service or repair the motor vehicle, provided that the data is retrieved by a licensed dealer or by an automotive technician;
- to determine the need for emergency medical response in case of an accident
- the data retrieved is pursuant to the terms and conditions of a subscription service agreement

The data may not be released except for the purposes of motor vehicle safety and medical research communities to advance motor vehicle safety or to a data processor, provided that the identity of the owner or driver is not disclosed.

Information retrieved in violation of this section is admissible as evidence in any civil, criminal or administrative action.

SB 844 defines “owner” as a person having all the incidents of ownership, including the legal title to a vehicle, whether or not such person lends, rents or creates a security interest in the vehicle; a person entitled to possession of a vehicle as the purchaser under a security agreement; or a person entitled to possession of a vehicle as a lessee pursuant to a written lease agreement, provided such agreement is, at inception, for a period in excess of three months.”

Event data recorders, commonly referred to as a black box, are already installed on most motor vehicles built in the last five years. While the device operates continuously, it only retains five

seconds of data immediately before an accident. Data recorded by a black box includes vehicle speed, engine RPM, accelerator and brake usage, and whether the seat belt was being worn. Beginning with all vehicles manufactured after September 1, 2010, the National Highway Transportation Safety Agency will require manufacturers to give notice that a vehicle has a black box.

Five seconds of data immediately before an accident could be useful in civil, criminal, and administrative actions.

BS/nt:csd