

## CHAPTER 329

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**PROFESSIONS AND OCCUPATIONS**

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**SENATE BILL 06-224**

BY SENATOR(S) Traylor, Grossman, Tupa, Williams, and Isgar;  
also REPRESENTATIVE(S) Harvey, Carroll T., Borodkin, Buescher, Decker, Hefley, Hodge, McFadyen, Pommer, Rose,  
Schultheis, Stengel, Sullivan, Welker, White, Berens, Cadman, Cerbo, Clapp, Kerr J., Lundberg, and Witwer.

**AN ACT**

**CONCERNING EVENT DATA RECORDED AS A MOTOR VEHICLE FEATURE.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Article 6 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 4  
EVENT DATA RECORDERS**

**12-6-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "EVENT DATA" MEANS RECORDS OF ONE OR MORE OF THE FOLLOWING CATEGORIES OF INFORMATION CONCERNING A MOTOR VEHICLE, WHICH RECORDS ARE CAPTURED BY AN EVENT DATA RECORDER:

- (a) WHETHER THE VEHICLE'S AIR BAG DEPLOYED;
- (b) VEHICLE SPEED;
- (c) VEHICLE DIRECTION;
- (d) VEHICLE LOCATION;
- (e) VEHICLE STEERING PERFORMANCE OR USE;
- (f) VEHICLE BRAKE PERFORMANCE OR USE; OR

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(g) VEHICLE SEATBELT STATUS OR USE.

(2) "EVENT DATA RECORDER" MEANS A DEVICE OR FEATURE THAT IS INSTALLED BY THE MANUFACTURER OF A MOTOR VEHICLE FOR THE PURPOSE OF CAPTURING OR TRANSMITTING RETRIEVABLE EVENT DATA.

(3) "OWNER" MEANS:

(a) A PERSON HAVING ALL THE INCIDENTS OF OWNERSHIP OF A MOTOR VEHICLE, INCLUDING LEGAL TITLE TO THE MOTOR VEHICLE, REGARDLESS OF WHETHER THE PERSON LENDS, RENTS, OR CREATES A SECURITY INTEREST IN THE VEHICLE;

(b) A PERSON ENTITLED TO POSSESSION OF A MOTOR VEHICLE AS THE PURCHASER UNDER A SECURITY AGREEMENT; OR

(c) A PERSON ENTITLED TO POSSESSION OF A VEHICLE AS LESSEE UNDER A WRITTEN LEASE AGREEMENT IF THE LEASE AGREEMENT IS INTENDED TO LAST FOR MORE THAN THREE MONTHS AT ITS INCEPTION.

(4) "OWNER'S AGENT" MEANS A NATURAL PERSON AUTHORIZED BY THE OWNER WITHIN THE LAST THIRTY DAYS OR THE OWNER'S REPRESENTATIVE AS DEFINED BY SECTION 13-20-702 (3), C.R.S.

**12-6-402. Event data recorders.** (1) A MANUFACTURER OF A MOTOR VEHICLE THAT IS SOLD OR LEASED IN COLORADO WITH AN EVENT DATA RECORDER SHALL IN BOLD-FACED TYPE DISCLOSE, IN THE OWNER'S MANUAL, THAT THE VEHICLE IS SO EQUIPPED AND, IF SO, THE TYPE OF DATA RECORDED. A DISCLOSURE MADE BY MEANS OF AN INSERT INTO THE OWNER'S MANUAL SHALL BE DEEMED A DISCLOSURE IN THE OWNER'S MANUAL.

(2) EVENT DATA THAT IS RECORDED ON AN EVENT DATA RECORDER IS THE PERSONAL INFORMATION OF THE MOTOR VEHICLE'S OWNER, AND THEREFORE, SUCH INFORMATION SHALL NOT BE RETRIEVED BY A PERSON WHO IS NOT THE OWNER OF THE MOTOR VEHICLE, EXCEPT IN THE FOLLOWING CIRCUMSTANCES:

(a) THE OWNER OF THE MOTOR VEHICLE OR THE OWNER'S AGENT HAS CONSENTED TO THE RETRIEVAL OF THE DATA WITHIN THE LAST THIRTY DAYS;

(b) THE DATA IS RETRIEVED BY A MOTOR VEHICLE DEALER OR BY AN AUTOMOTIVE TECHNICIAN TO DIAGNOSE, SERVICE, OR REPAIR THE MOTOR VEHICLE AT THE REQUEST OF THE OWNER OR THE OWNER'S AGENT;

(c) THE DATA IS SUBJECT TO DISCOVERY PURSUANT TO THE RULES OF CIVIL PROCEDURE IN A CLAIM ARISING OUT OF A MOTOR VEHICLE ACCIDENT;

(d) A COURT OR ADMINISTRATIVE AGENCY HAVING JURISDICTION ORDERS THE DATA TO BE RETRIEVED;

(e) THE EVENT DATA RECORDER IS INSTALLED AFTER THE MANUFACTURER OR MOTOR VEHICLE DEALER SELLS THE MOTOR VEHICLE; OR

(f) A PEACE OFFICER RETRIEVES THE DATA PURSUANT TO A COURT ORDER AS PART OF AN INVESTIGATION OF A SUSPECTED VIOLATION OF A LAW THAT HAS CAUSED, OR CONTRIBUTED TO THE CAUSE OF, AN ACCIDENT RESULTING IN DAMAGE OF PROPERTY OR INJURY TO A PERSON.

(3) (a) NO PERSON SHALL RELEASE EVENT DATA UNLESS AUTHORIZED BY PARAGRAPH (b) OF THIS SUBSECTION (3).

(b) A PERSON AUTHORIZED TO DOWNLOAD OR RETRIEVE DATA FROM AN EVENT DATA RECORDER MAY RELEASE SUCH DATA IN THE FOLLOWING CIRCUMSTANCES:

(I) THE OWNER OF THE MOTOR VEHICLE OR THE OWNER'S AGENT HAS CONSENTED TO THE RELEASE OF THE DATA WITHIN THE LAST THIRTY DAYS;

(II) THE DATA IS SUBJECT TO DISCOVERY PURSUANT TO THE RULES OF CIVIL PROCEDURE IN A CLAIM ARISING OUT OF A MOTOR VEHICLE ACCIDENT;

(III) THE DATA IS RELEASED PURSUANT TO A COURT ORDER AS PART OF AN INVESTIGATION OF A SUSPECTED VIOLATION OF A LAW THAT HAS CAUSED, OR CONTRIBUTED TO THE CAUSE OF, AN ACCIDENT RESULTING IN APPRECIABLE DAMAGE OF PROPERTY OR INJURY TO A PERSON;

(IV) IF THE IDENTITY OF THE OWNER OR DRIVER IS NOT DISCLOSED, THE DATA IS RELEASED TO A MOTOR VEHICLE SAFETY AND MEDICAL RESEARCH ENTITY IN ORDER TO ADVANCE MOTOR VEHICLE SAFETY, SECURITY, OR TRAFFIC MANAGEMENT; OR

(V) THE DATA IS RELEASED TO A DATA PROCESSOR SOLELY FOR THE PURPOSES PERMITTED BY THIS SECTION IF THE IDENTITY OF THE OWNER OR DRIVER IS NOT DISCLOSED.

(4) (a) IF A MOTOR VEHICLE IS EQUIPPED WITH AN EVENT DATA RECORDER THAT IS CAPABLE OF RECORDING OR TRANSMITTING EVENT DATA THAT IS PART OF A SUBSCRIPTION SERVICE, THE FACT THAT THE DATA MAY BE RECORDED OR TRANSMITTED AND INSTRUCTIONS FOR DISCONTINUING THE SUBSCRIPTION SERVICE OR FOR DISABLING THE EVENT DATA RECORDER BY A TRAINED SERVICE TECHNICIAN SHALL BE PROMINENTLY DISCLOSED IN THE SUBSCRIPTION SERVICE AGREEMENT. A DISCLOSURE MADE BY MEANS OF AN INSERT INTO THE SERVICE AGREEMENT SHALL BE DEEMED A DISCLOSURE IN THE SERVICE AGREEMENT.

(b) SUBSECTIONS (2) AND (3) OF THIS SECTION SHALL NOT APPLY TO SUBSCRIPTION SERVICES MEETING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4).

(5) A PERSON WHO VIOLATES SUBSECTION (2) OR (3) OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

**12-6-403. Applicability.** THIS PART 4 SHALL APPLY TO MOTOR VEHICLES MANUFACTURED ON OR AFTER MAY 1, 2007.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2006