

## CHAPTER 60

AN ACT concerning motor vehicle data recording devices and supplementing Title 39 of the Revised Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.39:10B-7 Definitions relative to motor vehicle data recording devices.

1. As used in this act:

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

“Recorded data” means the data stored or preserved electronically in a recording device identifying performance or operation information about the motor vehicle including, but not limited to the: speed of the motor vehicle or the direction in which the vehicle is traveling, or both; vehicle location data; vehicle steering performance; vehicle brake performance including, but not limited to, whether brakes were applied before a crash; driver's seatbelt status; and information concerning a crash in which the motor vehicle has been involved, including the ability to transmit such information to a central communications system. Recorded data excludes audio and video data.

“Recording device” means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within the vehicle. A recording device includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed through that vehicle. A recording device shall not include personal recording devices, such as video cameras, dashboard cameras, or mobile telephones with recording capabilities.

C.39:10B-8 Persons permitted to retrieve data relative to recording device.

2. a. Except as provided in subsection c. of this section, no person, except the owner of the motor vehicle that contains the recording device, or the owner's representative, may retrieve, obtain, or use data recorded, stored, or transmitted from the recording device, unless:

(1) The owner of the motor vehicle, or the owner's representative, consents to the duration and scope of data retrieval, retention, and use, prior to or at the time the data is retrieved, obtained, or used;

(2) The recorded data is retrieved or obtained by a law enforcement officer pursuant to a search warrant issued by a judge of the Superior Court or upon order by a court of competent jurisdiction or, except for recorded data concerning vehicle location, a grand jury subpoena;

(3) The recorded data is used for the purpose of improving motor vehicle safety, security, performance, operation, compliance with traffic laws, or traffic management, including for medical research on physical reaction to motor vehicle accidents, provided that the identity of the owner, operator or other occupant of the motor vehicle is not disclosed with respect to the data. For the purposes of this paragraph, the disclosure of a vehicle identification number with the last six numbers deleted shall not constitute disclosure of the identity of the owner, operator, or other occupant;

(4) The recorded data is retrieved or obtained by a licensed new motor vehicle dealer, a motor vehicle repair or servicing facility and a technician or mechanic at such a facility, or the manufacturer of the motor vehicle, and used for the sole purpose of diagnosing, servicing, or repairing the motor vehicle;

(5) The recorded data is accessed by an emergency response provider and used for the sole purpose of determining the need for or facilitating an emergency medical response in the event of a motor vehicle crash, and assisting the emergency response provider in performing its duties; or

(6) The recorded data is retrieved or obtained pursuant to a legally proper discovery request or order in a civil action.

b. Any person who retrieves or obtains recorded data, except a law enforcement officer who retrieves or obtains the recorded data pursuant to paragraph (2) of subsection a. of this section, shall not further disclose such data, except that a person may further disclose recorded data pursuant to paragraph (3) , (4) , or (5) of subsection a. of this section if the identity of the owner, operator, or other occupant of the motor vehicle is not disclosed , or the owner of the motor vehicle, or the owner's representative, consents to the additional disclosure prior to it being further disclosed.

c. Recorded data may be retrieved, obtained, and used by a subscription service provider pursuant to a subscription service agreement if the agreement discloses that the data may be recorded, stored, and transmitted.

C.39:10B-9 Alteration, deletion of certain data prohibited; violations, penalties.

3. a. No person shall knowingly alter or delete data on a recording device, or knowingly destroy a recording device with the intent to prevent access to or destroy the recorded data, within two years after a crash event that resulted in bodily injury or death.

b. (1) The alteration or deletion of data by a recording device with an overwriting or rewriting program or function, which is activated during the vehicle's normal operation, shall not be considered a knowing alteration or deletion pursuant to subsection a. of this section.

(2) There shall be a rebuttable presumption that a vehicle recycler or scrap recycling facility, as defined in section 3 of P.L.2005, c.54 (C.13:1E-99.84), has no knowledge of the involvement of a motor vehicle in a crash event that resulted in bodily injury or death.

c. A person in violation of subsection a. of this section shall be liable for a civil penalty of \$5,000 for each offense, to be recoverable by the Chief Administrator of the New Jersey Motor Vehicle Commission pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4. This act shall take effect immediately.

Approved May 11, 2015.