

BILL ANALYSIS

Senate Research Center
79R17307 E

C.S.H.B. 160
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Event data recorders (EDRs) are commonly known as "black boxes" for the car and essentially perform the same function as a black box in an airplane. Initially these recording devices were meant to record the deployment of car air bags; however, EDRs now have the capability of recording speed, seat belt use, braking habits, the position of the gas pedal, the use of headlights, and the force of a collision.

Although EDRs have proven useful in diagnostic accident scenes, car black boxes do raise privacy concerns as most drivers do not know that these devices are currently in their vehicles and information retrieved from black boxes is now being used to prosecute drivers both civilly and criminally. Consumers have a right to know whether a vehicle they have purchased contains a device that will record their every action.

C.S.H.B. 160 requires sellers and lessors of vehicles to disclose to buyers and lessees the presence of an EDR. C.S.H.B. 160 also requires that a person, other than the owner of the vehicle, seeking to retrieve the information contained in the EDR obtain either the owner's consent or a court order.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter K, Chapter 547, Transportation Code, by adding Section 547.615, as follows:

Sec. 547.615. RECORDING DEVICES. (a) Defines "owner" and "recording device."

(b) Requires a manufacturer of a new motor vehicle that is sold or leased in this state and that is equipped with a recording device to disclose that fact in the owner's manual of the vehicle.

(c) Prohibits information recorded or transmitted by a recording device from being retrieved by a person other than the owner of the motor vehicle in which the recording device is installed except under certain circumstances.

(d) Authorizes a court order, for information recorded or transmitted by a recording device by Subsection (a)(2) (B), to be obtained only after a showing that certain conditions exist.

(e) Provides that certain information is authorized to be disclosed for the purposes of Subsection (c)(3).

(f) Requires the subscription service, if a recording device is used as part of a subscription service, to disclose that the device may record or transmit information as described by Subsection (a)(2). Provides that Subsection (c) does not apply to a subscription service under this subsection.

SECTION 2. Effective date: September 1, 2006.