



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5777

Introduced 2/14/2014, by Rep. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-614 new

Amends the Illinois Vehicle Code. Provides that vehicles installed with data recording devices must disclose the presence of the data recording device and its functions in the owner's manual. Defines a data recording device as a device that (1) records the vehicle's speed and direction of travel; (2) records the vehicle's location; (3) records steering performance; (4) records brake performance including but not limited to whether brakes were applied before an accident; (5) records the driver's seat belt status; or (6) can transmit information concerning an accident to a central communications system. Provides that data recorded by a data recording device can only be accessed (1) with the owner's consent; (2) by court order; (3) for the purpose of researching motor vehicle safety provided the identity of the driver is not disclosed; (4) by a vehicle dealer or repairer for the purpose of diagnosing, servicing, or repairing the vehicle; or (5) according to a subscription service. Provides that these provisions apply only to vehicles manufactured or data recording devices installed on or after the effective date of this Act.

LRB098 18222 MLW 53353 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding  
5 Section 12-614 as follows:

6 (625 ILCS 5/12-614 new)

7 Sec. 12-614. Data recording devices.

8 (a) For the purposes of this Section, "data recording  
9 device" means a device that is installed by the manufacturer of  
10 the vehicle and which does any of the following, for the  
11 purpose of retrieving data after an accident:

12 (1) records the vehicle's speed or direction of travel;

13 (2) records the vehicle's location or location  
14 history;

15 (3) records steering performance;

16 (4) records brake performance including but not  
17 limited to whether brakes were applied before an accident;

18 (5) records the driver's seat belt status; or

19 (6) has the ability to transmit information concerning  
20 an accident in which the motor vehicle has been involved to  
21 a central communications system when an accident occurs.

22 (b) A manufacturer of a motor vehicle sold or leased in  
23 this State that is equipped with a data recording device shall

1 disclose the presence and functions of any data recording  
2 device in the owner's manual for the vehicle.

3 (c) Data recorded on a data recording device may not be  
4 downloaded or otherwise retrieved by a person other than the  
5 registered owner of the motor vehicle unless:

6 (1) the registered owner of the motor vehicle consents  
7 to the retrieval of the information;

8 (2) in response to a court order;

9 (3) for the purpose of improving motor vehicle safety,  
10 including for medical research of the human body's reaction  
11 to motor vehicle accidents; or

12 (4) the data is retrieved by a licensed dealer or by an  
13 automotive technician for the purpose of diagnosing,  
14 servicing, or repairing the motor vehicle.

15 (d) A person authorized to download or otherwise retrieve  
16 data from a data recording device under paragraph (3) of  
17 subsection (c) of this Section may not release that data except  
18 to share the data among the motor vehicle safety and medical  
19 research communities to advance motor vehicle safety, and only  
20 if the identity of the registered owner or driver is not  
21 disclosed. The disclosure of the vehicle identification number  
22 (VIN) does not constitute the disclosure of the identity of the  
23 registered owner or driver under this subsection.

24 (e) If a motor vehicle is equipped with a data recording  
25 device that is capable of recording or transmitting information  
26 and that recording or transmission is part of a subscription

1 service, the subscription service shall be exempt from  
2 subsection (c) of this Section provided that the fact that  
3 information may be recorded or transmitted is disclosed in the  
4 subscription service agreement.

5 (f) This Section applies to all motor vehicles manufactured  
6 and data recording devices installed on or after the effective  
7 date of this amendatory Act of the 98th General Assembly.