

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2200

Introduced by

Senators Holmberg, Trenbeath, Triplett

Representatives DeKrey, Delmore, Kretschmar

1 A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota
2 Century Code, relating to recording devices on motor vehicles; to provide a penalty; and to
3 provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Recording devices on motor vehicles - Disclosure - Removal - Penalty.**

- 8 1. A manufacturer of a new motor vehicle sold or leased in this state which is
9 equipped with a recording device commonly referred to as a systems data module
10 shall disclose that fact in the owner's manual for the vehicle. A motor vehicle
11 dealer shall include within the purchase contract in a clear and conspicuous
12 manner information on the possibility of a recording device. As used in this
13 section, systems data module means a device that is installed by the manufacturer
14 of the vehicle for the purpose of retrieving data.
- 15 2. Data recorded on a recording device may not be downloaded or otherwise
16 retrieved by a person other than the registered owner of the motor vehicle, except
17 under any of the following circumstances:
- 18 a. The data is retrieved for the purpose of improving motor vehicle safety,
19 including for medical research of the human body's reaction to motor vehicle
20 accidents, and the identity of the registered owner or driver is not disclosed in
21 connection with that retrieved data. The disclosure of the vehicle
22 identification number for the purpose of improving vehicle safety, including for
23 medical research of the human body's reaction to motor vehicle accidents,
24 does not constitute the disclosure of the identity of the registered owner or

1 driver. A person authorized to download or otherwise retrieve data from a
2 recording device under this subdivision may not release that data, except to
3 share the data among the motor vehicle safety and medical research
4 communities to advance motor vehicle safety, and only if the identity of the
5 registered owner or driver is not disclosed.

6 b. The data is retrieved by a licensed motor vehicle dealer or by an automotive
7 technician for the purpose of diagnosing, servicing, or repairing the motor
8 vehicle.

9 3. If a motor vehicle is equipped with a recording device that is capable of recording
10 or transmitting information relating to the listing of where the motor vehicle travels
11 or concerning an accident to a central communications system and that capability
12 is part of a subscription service, the fact that the information may be recorded or
13 transmitted must be disclosed in the subscription service agreement. Subsection 2
14 does not apply to a subscription service that meets the requirements of this
15 subsection.

16 4. Data recorded on a recording device is not admissible evidence in any court
17 proceeding.

18 **SECTION 2. APPLICATION.** This Act applies to all motor vehicles manufactured after
19 July 31, 2005.