

SSB 6341 - H COMM AMD  
By Committee on Transportation

1 Strike everything after the enacting clause and insert the  
2 following:

3 NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Electronic data recorder" means a device or function in a  
6 vehicle that records the vehicle's dynamic, time-series data during the  
7 period just prior to a crash event or during a crash event, intended  
8 for retrieval after the crash event, or a device or function in a  
9 vehicle that has the ability to transmit information concerning a  
10 collision that involves the motor vehicle to a central communications  
11 system or other external device when the collision occurs. For the  
12 purposes of this definition, the event data do not include audio and  
13 video data.

14 (2) "Owner" means:

15 (a) A person having all the incidents of ownership, including legal  
16 title, of a motor vehicle, whether or not the person lends, rents, or  
17 creates a security interest in the motor vehicle;

18 (b) A person entitled to the possession of a motor vehicle as the  
19 purchaser under a security agreement;

20 (c) A person entitled to possession of a motor vehicle as a lessee  
21 pursuant to a written lease agreement for a period of more than three  
22 months; or

23 (d) If a third party requests access to an electronic data recorder  
24 to investigate a collision, the owner of the vehicle at the time the  
25 collision occurred.

26 NEW SECTION. **Sec. 2.** (1) A manufacturer of a new motor vehicle  
27 that is sold or leased in this state and is equipped with an electronic  
28 data recorder shall provide such information to the owner as is  
29 required by 49 C.F.R. Sec. 563.11, as in effect on January 1, 2008. If

1 the electronic data recorder has the ability to transmit information  
2 concerning a collision that involves the motor vehicle to a central  
3 communications system or other external device when a collision occurs,  
4 the manufacturer shall also provide such information to the owner.

5 (2) If an electronic data recorder is used as part of a  
6 subscription service, the subscription service agreement must disclose  
7 the type of information that the device may record or transmit.

8 NEW SECTION. **Sec. 3.** (1) Information recorded or transmitted by  
9 an electronic data recorder may not be retrieved, downloaded, or  
10 otherwise accessed by a person other than the owner of the motor  
11 vehicle in which the recording device is installed except:

12 (a) Upon a court order;

13 (b) With the consent of the owner for any purpose, including  
14 diagnosing, servicing, or repairing the motor vehicle;

15 (c) For improving motor vehicle safety, including medical research  
16 on the human body's reaction to motor vehicle collisions, if the  
17 identity of the owner or driver of the motor vehicle is not disclosed  
18 in connection with the retrieved information;

19 (d) For determining the need for or facilitating emergency medical  
20 response if a motor vehicle collision occurs, provided that the  
21 information retrieved is used solely for medical purposes; or

22 (e) For subscription services pursuant to an agreement in which  
23 disclosure required under section 2 of this act has been made.

24 (2) For the purposes of subsection (1)(c) of this section:

25 (a) The disclosure of a motor vehicle's vehicle identification  
26 number with the last six digits deleted or redacted is not a disclosure  
27 of the identity of the owner or driver; and

28 (b) Retrieved information may only be disclosed to a data  
29 processor.

30 (3) Any person who violates this section is guilty of a  
31 misdemeanor.

32 NEW SECTION. **Sec. 4.** The legislature finds that the practices  
33 covered by this chapter are matters vitally affecting the public  
34 interest for the purpose of applying chapter 19.86 RCW. A violation of  
35 this chapter is not reasonable in relation to the development and

1 preservation of business and is an unfair or deceptive act in trade or  
2 commerce and an unfair method of competition for the purpose of  
3 applying chapter 19.86 RCW.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.30 RCW  
5 to read as follows:

6 (1) An insurer shall not refuse to renew a motor vehicle insurance  
7 policy solely because a motor vehicle owner, as defined in section 1 of  
8 this act, refuses to provide access to recorded data from an electronic  
9 data recorder, as defined in section 1 of this act.

10 (2) An insurer or agent shall not: Reduce coverage; increase the  
11 insured's premium; apply a surcharge; refuse to apply a discount other  
12 than a discount that is based on data recorded by an electronic data  
13 recorder as defined in section 1 of this act; or when there are  
14 multiple insurers available, fail to place the motor vehicle owner with  
15 the most favorably priced insurer, solely because a motor vehicle owner  
16 refuses to allow an insurer access to data from an electronic data  
17 recorder as defined in section 1 of this act.

18 **Sec. 6.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005  
19 c 183 s 10 are each reenacted and amended to read as follows:

20 Failure to perform any act required or the performance of any act  
21 prohibited by this title or an equivalent administrative regulation or  
22 local law, ordinance, regulation, or resolution relating to traffic  
23 including parking, standing, stopping, and pedestrian offenses, is  
24 designated as a traffic infraction and may not be classified as a  
25 criminal offense, except for an offense contained in the following  
26 provisions of this title or a violation of an equivalent administrative  
27 regulation or local law, ordinance, regulation, or resolution:

28 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
29 vehicle while under the influence of intoxicating liquor or a  
30 controlled substance;

31 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

32 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
33 while under the influence of intoxicating liquor or narcotics or habit-  
34 forming drugs or in a manner endangering the person of another;

35 (4) RCW 46.10.130 relating to the operation of snowmobiles;

- 1 (5) Chapter 46.12 RCW relating to certificates of ownership and  
2 registration and markings indicating that a vehicle has been destroyed  
3 or declared a total loss;
- 4 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by  
5 failure to register a vehicle and falsifying residency when registering  
6 a motor vehicle;
- 7 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
8 drive;
- 9 (8) RCW 46.16.160 relating to vehicle trip permits;
- 10 (9) RCW 46.16.381(2) relating to knowingly providing false  
11 information in conjunction with an application for a special placard or  
12 license plate for (~~disabled persons~~) parking for persons with  
13 disabilities;
- 14 (10) RCW 46.20.005 relating to driving without a valid driver's  
15 license;
- 16 (11) RCW 46.20.091 relating to false statements regarding a  
17 driver's license or instruction permit;
- 18 (12) RCW 46.20.0921 relating to the unlawful possession and use of  
19 a driver's license;
- 20 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
21 license or status;
- 22 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
23 with a suspended or revoked license;
- 24 (15) RCW 46.20.410 relating to the violation of restrictions of an  
25 occupational or temporary restricted driver's license;
- 26 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
27 an ignition interlock device in violation of a license notation that  
28 the device is required;
- 29 (17) RCW 46.20.750 relating to (~~assisting another person to start~~  
30 ~~a vehicle equipped with~~) circumventing an ignition interlock device;
- 31 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 32 (19) Chapter 46.29 RCW relating to financial responsibility;
- 33 (20) RCW 46.30.040 relating to providing false evidence of  
34 financial responsibility;
- 35 (21) RCW 46.37.435 relating to wrongful installation of  
36 sunscreening material;
- 37 (22) RCW 46.37.650 relating to the sale, resale, distribution, or  
38 installation of a previously deployed air bag;

1           (23) RCW 46.37.671 through 46.37.675 relating to signal preemption  
2 devices;  
3           (24) RCW 46.44.180 relating to operation of mobile home pilot  
4 vehicles;  
5           (~~(24)~~) (25) RCW 46.48.175 relating to the transportation of  
6 dangerous articles;  
7           (~~(25)~~) (26) RCW 46.52.010 relating to duty on striking an  
8 unattended car or other property;  
9           (~~(26)~~) (27) RCW 46.52.020 relating to duty in case of injury to  
10 or death of a person or damage to an attended vehicle;  
11           (~~(27)~~) (28) RCW 46.52.090 relating to reports by repairmen,  
12 storagemen, and appraisers;  
13           (~~(28)~~) (29) RCW 46.52.130 relating to confidentiality of the  
14 driving record to be furnished to an insurance company, an employer,  
15 and an alcohol/drug assessment or treatment agency;  
16           (~~(29)~~) (30) RCW 46.55.020 relating to engaging in the activities  
17 of a registered tow truck operator without a registration certificate;  
18           (~~(30)~~) (31) RCW 46.55.035 relating to prohibited practices by tow  
19 truck operators;  
20           (~~(31)~~) (32) RCW 46.55.300 relating to immobilizing a vehicle by  
21 a person who is not the property owner;  
22           (33) RCW 46.61.015 relating to obedience to police officers,  
23 flaggers, or firefighters;  
24           (~~(32)~~) (34) RCW 46.61.020 relating to refusal to give information  
25 to or cooperate with an officer;  
26           (~~(33)~~) (35) RCW 46.61.022 relating to failure to stop and give  
27 identification to an officer;  
28           (~~(34)~~) (36) RCW 46.61.024 relating to attempting to elude  
29 pursuing police vehicles;  
30           (~~(35)~~) (37) RCW 46.61.500 relating to reckless driving;  
31           (~~(36)~~) (38) RCW 46.61.502 and 46.61.504 relating to persons under  
32 the influence of intoxicating liquor or drugs;  
33           (~~(37)~~) (39) RCW 46.61.503 relating to a person under age twenty-  
34 one driving a motor vehicle after consuming alcohol;  
35           (~~(38)~~) (40) RCW 46.61.520 relating to vehicular homicide by motor  
36 vehicle;  
37           (~~(39)~~) (41) RCW 46.61.522 relating to vehicular assault;

1        ~~((40))~~ (42) RCW 46.61.5249 relating to first degree negligent  
2 driving;

3        ~~((41))~~ (43) RCW 46.61.527(4) relating to reckless endangerment of  
4 roadway workers;

5        ~~((42))~~ (44) RCW 46.61.530 relating to racing of vehicles on  
6 highways;

7        ~~((43))~~ (45) RCW 46.61.655(7) (a) and (b) relating to failure to  
8 secure a load;

9        ~~((44))~~ (46) RCW 46.61.685 relating to leaving children in an  
10 unattended vehicle with the motor running;

11        ~~((45))~~ (47) RCW 46.61.740 relating to theft of motor vehicle  
12 fuel;

13        ~~((46) RCW 46.37.671 through 46.37.675 relating to signal~~  
14 ~~preemption devices;~~

15        ~~(47))~~ (48) RCW 46.64.010 relating to unlawful cancellation of or  
16 attempt to cancel a traffic citation;

17        ~~((48))~~ (49) RCW 46.64.048 relating to attempting, aiding,  
18 abetting, coercing, and committing crimes;

19        ~~((49))~~ (50) Chapter 46.65 RCW relating to habitual traffic  
20 offenders;

21        ~~((50))~~ (51) RCW 46.68.010 relating to false statements made to  
22 obtain a refund;

23        ~~((51))~~ (52) Section 3 of this act relating to electronic data  
24 recorder information;

25        (53) Chapter 46.70 RCW relating to unfair motor vehicle business  
26 practices, except where that chapter provides for the assessment of  
27 monetary penalties of a civil nature;

28        ~~((52))~~ (54) Chapter 46.72 RCW relating to the transportation of  
29 passengers in for hire vehicles;

30        ~~((53))~~ (55) RCW 46.72A.060 relating to limousine carrier  
31 insurance;

32        ~~((54))~~ (56) RCW 46.72A.070 relating to operation of a limousine  
33 without a vehicle certificate;

34        ~~((55))~~ (57) RCW 46.72A.080 relating to false advertising by a  
35 limousine carrier;

36        ~~((56))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

37        ~~((57))~~ (59) Chapter 46.82 RCW relating to driver's training  
38 schools;

1        (~~(+58+)~~) (60) RCW 46.87.260 relating to alteration or forgery of a  
2 cab card, letter of authority, or other temporary authority issued  
3 under chapter 46.87 RCW;

4        (~~(+59+)~~) (61) RCW 46.87.290 relating to operation of an  
5 unregistered or unlicensed vehicle under chapter 46.87 RCW.

6        NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute  
7 a new chapter in Title 46 RCW.

8        NEW SECTION. **Sec. 8.** This act takes effect July 1, 2009."

9        Correct the title.

EFFECT: Harmonizes the definition of electronic data recorder (EDR) and the disclosure language for EDRs with the federal regulations regarding EDRs, except in the case of the ability to transmit information in the event of a collision, which must also be disclosed. Requires subscription service agreements to disclose the type of information that the specific EDR records or transmits rather than the information listed in the definition of EDRs created by the act. Adds an effective date of July 1, 2009.

--- END ---