



16 or (2) the officer obtains the data pursuant to a search warrant issued  
17 by a judge of the Superior Court or a judge trial referee under the  
18 provisions of section 54-33a of the general statutes.

19 (c) Data stored on or transmitted from an event data recorder may  
20 be obtained or used by a peace officer without obtaining consent or a  
21 search warrant as required in subsection (b) of this section if the data is  
22 stored or transmitted pursuant to a subscription agreement and the  
23 subscription agreement discloses that the data may be stored or  
24 transmitted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

**Statement of Purpose:**

To limit disclosure to law enforcement officials of certain "event data recorder" information from passenger motor vehicles without consent or a valid search warrant.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*



## Senate

General Assembly

**File No. 450**

February Session, 2006

Senate Bill No. 592

*Senate, April 10, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this  
2 section, "event data recorder" means a device installed in a passenger  
3 motor vehicle, as defined in section 14-1 of the 2006 supplement to the  
4 general statutes, that (1) records (A) the speed at which the motor  
5 vehicle is traveling, (B) the direction in which the motor vehicle is  
6 traveling, (C) a history of where the vehicle travels, (D) steering  
7 performance data, (E) brake performance data, including, but not  
8 limited to, whether the brakes were applied before an accident, or (F)  
9 the usage of the driver's seat belt, or (2) is capable of transmitting data  
10 concerning an accident in which the motor vehicle is involved to a  
11 central communications system.
- 12 (b) Except as provided in subsection (c) of this section, no peace  
13 officer, as defined in section 53a-3 of the general statutes, may obtain

14 or use data stored on or transmitted from an event data recorder  
15 unless (1) the owner or lessee of the motor vehicle consents in writing,  
16 or (2) the officer obtains the data pursuant to a search warrant issued  
17 by a judge of the Superior Court or a judge trial referee under the  
18 provisions of section 54-33a of the general statutes.

19 (c) Data stored on or transmitted from an event data recorder may  
20 be obtained or used by a peace officer without obtaining consent or a  
21 search warrant as required in subsection (b) of this section if the data is  
22 stored or transmitted pursuant to a subscription agreement and the  
23 subscription agreement discloses that the data may be stored or  
24 transmitted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

**JUD**      *Joint Favorable*

1067

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill would not result in a fiscal impact to the Department of Public Safety, municipal police departments or the Judicial Department, as it conforms statute to current practice.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****SB 592*****AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.*****SUMMARY:**

This bill prohibits a peace officer from obtaining or using information stored on or transmitted from an event data recorder in a passenger motor vehicle unless the officer (1) gets the written consent of the vehicle owner or lessee or (2) gets or uses the information pursuant to a search warrant. The bill also allows data stored on or transmitted from an event data recorder to be obtained or used by a peace officer without obtaining consent or a search warrant if the data is stored or transmitted pursuant to a subscription agreement and the subscription agreement discloses that the data may be stored or transmitted.

The bill defines an "event data recorder" as a device that (1) records (a) vehicle speed and direction of travel; (b) steering and brake performance, including whether brakes were applied before an accident; (c) a history of where the vehicle travels; or (d) driver seat belt usage or (2) has the ability to transmit information about an accident in which the vehicle is involved to a central communications system.

EFFECTIVE DATE: October 1, 2006

**BACKGROUND*****Peace Officer***

Besides members of the Division of State Police and local police

1067

officers, "peace officer" includes inspectors of the Division of Criminal Justice; state and judicial marshals performing their duties; conservation or special conservation officers; constables who perform criminal law enforcement duties, certain special policemen (for state property, public assistance fraud investigation; or public utility or transportation companies); adult probation officers, Department of Correction personnel authorized by the commissioner to make arrests in correctional facilities; investigators from the State Treasurer's office; or special federal agents authorized to enforce federal food and drug laws.

**Event Data Recorders**

Event data recorders are devices installed in some models of motor vehicles that perform functions similar to flight data recorders in aircraft. Not all motor vehicles are currently equipped with event data recorders but the number of models so equipped is increasing. There is no standard event data recorder. Some track a relatively small amount of data such as vehicle acceleration and deceleration. Others track more data such as speed, braking, steering, seat belt use, air bag deployment, and other information. Typically, they record and erase data so that the most recent five to eight seconds of data are retained. After a collision, some recorders can move this data to memory and record up to six seconds of data relating to what happens after the start of the crash, such as the timing and deployment of air bags and initiation of an automatic collision notification system.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 25 Nay 13 (03/27/2006)

CONNECTICUT  
STATE LIBRARY  
LEGISLATIVE REFERENCE  
SECTION



Senate

CONNECTICUT STATE LIBRARY  
LAW/LEGISLATIVE REFERENCE UNIT

General Assembly

File No. 609

February Session, 2006

Substitute Senate Bill No. 592

*Senate, April 24, 2006*

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this  
2 section, "event data recorder" means a device installed in a passenger  
3 motor vehicle, as defined in section 14-1 of the 2006 supplement to the  
4 general statutes, that (1) records (A) the speed at which the motor  
5 vehicle is traveling, (B) the direction in which the motor vehicle is  
6 traveling, (C) a history of where the vehicle travels, (D) steering  
7 performance data, (E) brake performance data, including, but not  
8 limited to, whether the brakes were applied before an accident, or (F)  
9 the usage of the driver's seat belt, or (2) is capable of transmitting data  
10 concerning an accident in which the motor vehicle is involved to a  
11 central communications system.

12 (b) Except as provided in subsection (c) of this section, no peace



13 officer, as defined in section 53a-3 of the general statutes, may obtain  
14 or use data stored on or transmitted from an event data recorder  
15 unless (1) the owner or lessee of the motor vehicle consents in writing,  
16 (2) the officer obtains the data pursuant to a search warrant issued by a  
17 judge of the Superior Court or a judge trial referee under the  
18 provisions of section 54-33a of the general statutes, or (3) the motor  
19 vehicle was involved in a collision that resulted in a fatality.

20 (c) Data stored on or transmitted from an event data recorder may  
21 be obtained or used by a peace officer without obtaining consent or a  
22 search warrant as required in subsection (b) of this section if the data is  
23 stored or transmitted pursuant to a subscription agreement and the  
24 subscription agreement discloses that the data may be stored or  
25 transmitted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

**PS** *Joint Favorable Subst.*

(106)

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill would not result in a fiscal impact to the Department of Public Safety, municipal police departments or the Judicial Department, as it conforms statute to current practice.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

CONNECTICUT  
STATE LIBRARY  
LEGISLATIVE REFERENCE  
SECTION

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**OLR Bill Analysis****sSB 592*****AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.*****SUMMARY:**

This bill prohibits a peace officer from obtaining or using information stored on or transmitted from an event data recorder in a passenger motor vehicle unless the (1) vehicle's owner or lessee consents in writing, (2) officer gets the information pursuant to a search warrant, or (3) motor vehicle was involved in a collision that resulted in a fatality.

The bill also allows data stored on or transmitted from an event data recorder to be obtained or used by a peace officer without obtaining consent or a search warrant if the data is stored or transmitted pursuant to a subscription agreement and the subscription agreement discloses that the data may be stored or transmitted.

The bill defines an "event data recorder" as a device installed in a passenger motor vehicle that has the ability to transmit information about an accident in which the vehicle is involved to a central communications system, or records (1) vehicle speed and direction of travel; (2) steering and brake performance, including whether brakes were applied before an accident; (3) a history of where the vehicle travels; or (4) driver seat belt usage.

EFFECTIVE DATE: October 1, 2006

**BACKGROUND*****Peace Officer***

(106)

Besides members of the Division of State Police and local police officers, "peace officer" includes inspectors of the Division of Criminal Justice; state and judicial marshals performing their duties; conservation or special conservation officers; constables who perform criminal law enforcement duties, certain special policemen (for state property, public assistance fraud investigation, or public utility or transportation companies); adult probation officers; Department of Correction personnel authorized by the commissioner to make arrests in correctional facilities; investigators from the State Treasurer's office; or special federal agents authorized to enforce federal food and drug laws.

**Event Data Recorders**

Event data recorders are devices installed in some models of motor vehicles that perform functions similar to flight data recorders in aircraft. Not all motor vehicles are currently equipped with event data recorders but the number of models so equipped is increasing. There is no standard event data recorder. Some track a relatively small amount of data such as vehicle acceleration and deceleration. Others track more data such as speed, braking, steering, seat belt use, air bag deployment, and other information. Typically, they record and erase data so that the most recent five to eight seconds of data are retained. After a collision, some recorders can move this data to memory and record up to six seconds of data relating to what happens after the start of the crash, such as the timing and deployment of air bags and initiation of an automatic collision notification system.

**Legislative History**

The Senate referred the bill to the Public Safety Committee on April 13, which reported a substitute on April 18. The substitute added the provision allowing a peace officer to obtain or use event data recorder information in a passenger motor vehicle that was involved in a fatal collision without either the written consent of the vehicle owner or lessee or a search warrant.

**COMMITTEE ACTION**

LEGISLATIVE REFERENCE SECTION

Judiciary Committee

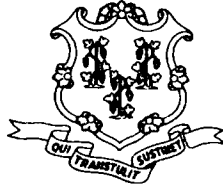
Joint Favorable

Yea 25    Nay 13    (03/27/2006)

Public Safety and Security Committee

Joint Favorable Substitute

Yea 12    Nay 9    (04/18/2006)



State of Connecticut

SENATE

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

Yes.  
2/24/06

SENATOR TONI NATHANIEL HARP  
TENTH DISTRICT  
DEPUTY PRESIDENT PRO TEMPORE

CHAIR  
APPROPRIATIONS COMMITTEE

VICE CHAIR  
SELECT COMMITTEE ON CHILDREN

MEMBER  
EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE

ROOM 2700  
LEGISLATIVE OFFICE BUILDING  
HARTFORD, CONNECTICUT 06106-1591  
TELEPHONES  
CAPITOL: (860) 240-0393  
TOLL FREE: 1-800-842-1420  
FAX: (860) 240-0027  
E-MAIL: harp@senatedems.ct.gov

January 24, 2006

Senator Andrew McDonald  
Co-Chair, Judiciary Committee  
Room 2500, L.O.B.  
Hartford, CT 06106

Representative Michael Lawlor  
Co-Chair, Judiciary Committee  
Room 2500, L.O.B.  
Hartford, CT 06106

Dear Senator *Andrew* McDonald and Representative *Mike* Lawlor:

Because of the limitations imposed by the Connecticut Constitution and the Joint Rules on the introduction of proposed bills in even-year sessions, I am requesting that your committee raise a bill concerning prohibiting law enforcement access to recorded information in "black boxes" in motor vehicles. This bill is aimed to provide privacy protection to motorists by requiring their consent or a search warrant in order for law enforcement to access the information recorded in any "black box."

While the devices may hold information that would be helpful in car accident cases, there are too many privacy violations in what is occurring presently. A Senator from California who introduced a similar bill stated that, "The devices were installed without the owners' knowledge or consent and that the information they gathered should be subject to the same legal protections as provided by the Fourth Amendment for other kinds of private information." ("Privacy Law in California Shield Drivers," New York Times, September 23, 2003). Since that time, several states have already passed laws limiting access to these black boxes. I hope Connecticut can be added to that list.

I look forward to working with you on this matter. Please contact me with any questions or concerns.

Sincerely,

Toni Nathaniel Harp  
State Senator-Tenth District

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LAW/LEGISLATIVE REFERENCE UNIT

## REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

**COMMITTEE:** Judiciary Committee

**File No.:**

**Bill No.:** SB-592

**PH Date:** 3/14/2006

**Action/Date:** JF 3/27/06

**Reference Change:**

### TITLE OF BILL:

AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.

### SPONSORS OF BILL:

Sen. Harp, 10<sup>th</sup> District

### REASONS FOR BILL:

While the devices may hold information that would be helpful in car accident cases, there are too many privacy violations in what is occurring presently.

### RESPONSE FROM ADMINISTRATION/AGENCY:

Nothing submitted

### NATURE AND SOURCES OF SUPPORT:

Nothing submitted

### NATURE AND SOURCES OF OPPOSITION:

Chief Anthony Salvatore and Chief James Strillacci, Connecticut Police Chiefs Association - This bill would restrict ability to investigate certain motor vehicle accidents. Under C.G.S.14-108a, the police are required to investigate motor vehicle accidents in cases wherein the person is killed or injured or in which damage to property of any one individual, including the operator, is in excess of \$1,000.00. You may believe that it is relatively simple to get a search warrant issued by Superior Court. In truth, police cannot get a warrant unless there is probable cause that a crime was committed. Many serious crashes result from conduct which

is not criminal, so no warrant will be issued. The alternative is to get consent to examine the device, which may not be possible if the owner was killed or seriously injured in a crash. Nevertheless, these boxes hold information that aids us in investigating motor vehicle accidents. The data assists us in determining if there is operator error or mechanical failure which requires the police to determine cause of accident as part of our duties. To not use all available investigative resources would be a disservice to the public we serve.

Diana H. Caliendo      3/30/06  
Sarah Kolb

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Reported by                      Date

CONNECTICUT  
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LEGISLATIVE REFERENCE  
SECTION



**JUDICIARY COMMITTEE**

**VOTE TALLY SHEET**

**Bill No.:** SB-592      **Amendment Letter:**

AN ACT LIMITING LAW ENFORCEMENT ACCESS TO RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS IN MOTOR VEHICLES.

**Chair:** MCDONALD, A.      **Motion:** LAWLOR, M.      **Second:** SPALLONE, J.

**Action:** Joint Favorable

**Language Change:**

TOTALS	Voting	Yea	Nay	Abstain	Absent and Not Voting	Voice Vote
	38	25	13	0	3	

yea    nay    abstain    absent

yea    nay    abstain    absent

Sen. McDonald, A. S27	X				Rep. McMahon, F. 015	X			
Rep. Lawlor, M. 099	X				Sen. Meyer, E. S12		X		
Sen. Handley, M. S04	X				Rep. Michele, R. 077	X			
Rep. Spallone, J. 036	X				Rep. Olson, M. 046	X			
Sen. Kissel, J. S07	X				Rep. O'Neill, A. 069		X		
Rep. Farr, R. 019		X			Rep. Powers, C. 151	X			
Rep. Barry, R. 012	X				Sen. Roraback, A. S30	X			
Rep. Berger, J. 073		X			Rep. Rowe, T. 123		X		
Rep. Cafero, L. 142		X			Rep. Serra, J. 033	X			
Rep. Candelaria, J. 095		X			Rep. Staples, C. 096	X			
Sen. Cappiello, D. S24	X				Rep. Stone, C. 009		X		
Sen. Coleman, E. S02	X				Rep. Walker, T. 093	X			
Rep. Dillon, P. 092				X	Rep. Winkler, L. 041	X			
Rep. Doyle, P. 028	X								
Rep. Dyson, W. 094	X								
Rep. Fox, G. 146	X								
Rep. Fritz, M. 090				X					
Rep. Geragosian, J. 025	X								
Rep. Giegler, J. 138		X							
Rep. Godfrey, B. 110	X								
Sen. Gomes, E. S23	X								
Rep. Gonzalez, M. 003				X					
Rep. Green, K. 001	X								
Rep. Hamm, G. 034	X								
		X							

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3/30/2006

Rep. Hamzy, W. 078											
Rep. Hovey, D. 112		X									
Rep. Klarides, T. 114		X									
Rep. Labriola, D. 131		X									

Vote date:3/27/2006 4:30:00 PM

Correction date:

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