

108TH CONGRESS  
2D SESSION

# H. R. 5305

To require automobile dealers to disclose to consumers the presence of Event Data Recorders, or “black boxes” on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. CAPUANO (for himself and Mrs. BONO) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To require automobile dealers to disclose to consumers the presence of Event Data Recorders, or “black boxes” on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress finds the following:

5               (1) Consumers have the right to know that  
6       Event Data Recorders are installed in their vehicles,  
7       that they are capable of collecting data recorded in

1 automobile accidents, and how such data may be  
2 used.

3 (2) From the standpoint of consumer privacy  
4 rights, most consumers are not aware that their ve-  
5 hicles are recording data that not only may be used  
6 to aid traffic safety analyses, but has the potential  
7 of being used against them in a civil or criminal pro-  
8 ceeding, or by their insurer to increase rates.

9 **SEC. 2. DISCLOSURE OF EVENT DATA RECORDERS ON**  
10 **AUTOMOBILES.**

11 (a) **REQUIRED DISCLOSURE.**—In accordance with  
12 regulations prescribed by the Federal Trade Commission  
13 under section 4(c), a dealer shall disclose, to each con-  
14 sumer who purchases a new automobile, in a clear and  
15 conspicuous written format at the time of purchase, the  
16 following information regarding any Event Data Recorder  
17 installed on such new automobile:

18 (1) the presence and location of an Event Data  
19 Recorder;

20 (2) the type of information recorded by the  
21 Event Data Recorder and how such information is  
22 recorded; and

23 (3) that the information recorded by the Event  
24 Data Recorder also may be used in a law enforce-  
25 ment proceeding.

1 (b) REQUIRED DISCLOSURES IN OWNER’S MAN-  
 2 UAL.—The manufacturer shall include, in clear and con-  
 3 spicuous language in the owner’s manual of any new auto-  
 4 mobile containing an Event Data Recorder, the disclosures  
 5 required by subsection (a).

6 **SEC. 3. REQUIREMENT FOR EVENT DATA RECORDERS ON**  
 7 **NEW AUTOMOBILES.**

8 No person may manufacture for sale, sell, offer for  
 9 sale, introduce or deliver into interstate commerce, or im-  
 10 port into the United States, an automobile manufactured  
 11 after 2006 (and bearing a model year of 2007 or later)  
 12 that is equipped with an Event Data Recorder, unless such  
 13 Event Data Recorder includes a function whereby the con-  
 14 sumer has the option to enable or disable the functioning  
 15 of the Event Data Recorder.

16 **SEC. 4. ENFORCEMENT.**

17 (a) TREATMENT OF VIOLATIONS AS UNFAIR OR DE-  
 18 CEPTIVE ACTS OR PRACTICES.—A violation of section 2  
 19 or 3 shall be treated as a violation of a rule defining an  
 20 unfair or deceptive act or practice prescribed under section  
 21 18(a)(1)(B) of the Federal Trade Commission Act (15  
 22 U.S.C. 57a(a)(1)(B)).

23 (b) FEDERAL TRADE COMMISSION AUTHORITY.—  
 24 The Federal Trade Commission shall enforce this Act in  
 25 the same manner, by the same means, and with the same

1 jurisdiction, powers, and duties as though all applicable  
2 terms and provisions of the Federal Trade Commission  
3 Act (15 U.S.C. 41 et seq.) were incorporated into and  
4 made a part of this Act.

5 (c) RULEMAKING.—Within 180 days following the  
6 enactment of this Act, the Federal Trade Commission  
7 shall prescribe regulations to carry out this Act, including  
8 guidelines setting forth a uniform method by which a deal-  
9 er may provide the disclosures and options required by  
10 section 2.

11 **SEC. 5. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRA-**  
12 **TION STUDY.**

13 (a) STUDY.—The National Highway Traffic Safety  
14 Administration shall conduct a study of both the potential  
15 utility and still unknown consequences of the implementa-  
16 tion of Event Data Recorder technology, including the  
17 practical, real-world consequences that may result from  
18 the widespread installation of such technology.

19 (b) REPORT.—Not later than 180 days after the date  
20 of enactment of this Act, the National Highway Traffic  
21 Safety Administration shall transmit to Congress a report  
22 on the findings of the study required by subsection (a).

23 **SEC. 6. DEFINITIONS.**

24 As used in this Act:

1           (1) The term “consumer” has the meaning  
2           given the term “ultimate purchaser” in section 2 of  
3           the Automobile Information Disclosure Act (15  
4           U.S.C. 1231).

5           (2) The term “dealer” has the meaning given  
6           that term in section 30102(a) of title 49, United  
7           States Code.

8           (3) The term “Event Data Recorder” means  
9           any device or means of technology installed in an  
10          automobile that records information such as vehicle  
11          speed, seatbelt use, application of brakes or other in-  
12          formation pertinent to the operation of the auto-  
13          mobile.

14          (4) The terms “manufacturer” and “new auto-  
15          mobile” have the meanings given those terms in sec-  
16          tion 2 of the Automobile Information Disclosure Act  
17          (15 U.S.C. 1231).

18 **SEC. 7. EFFECTIVE DATE.**

19          This Act shall take effect 180 days after the date of  
20          enactment of this Act.

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