



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5933/1
EVM:amn

2023 SENATE BILL 1080

March 6, 2024 - Introduced by Senators STROEBEL, BALLWEG and QUINN, cosponsored by Representatives BODDEN, BEHNKE, BINSFELD, GOEBEN, S. JOHNSON, RETTINGER, ROZAR and SCHUTT. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

1 **AN ACT** *to amend* 347.50 (1); and *to create* 347.375 and 347.50 (1g) of the
2 statutes; **relating to:** use of information stored on motor vehicle data recorders
3 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits, with certain exceptions, any person from accessing, collecting, or transferring information stored on a motor vehicle data recorder (VDR) installed in a motor vehicle unless the person discloses the intended use of the information and receives the consent of an owner of the vehicle. A person who violates the disclosure requirements or the prohibition on access, collection, or transfer of VDR information may be required to forfeit not less than \$200 nor more than \$2,000.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 347.375 of the statutes is created to read:
5 **347.375 Vehicle data recorders.** (1) In this section:
6 (a) "Vehicle data recorder" means any of the following:

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1 1. A device installed in a motor vehicle for the purposes of recording or
2 transmitting information about the motor vehicle, including a device that performs
3 any of the following functions:

4 a. Recording the direction and rate of speed at which the motor vehicle travels.

5 b. Recording the locations to which the motor vehicle travels.

6 c. Recording information concerning steering performance.

7 d. Recording information concerning brake performance, including whether
8 the brake was applied before an accident.

9 e. Recording information regarding safety belt usage.

10 f. Transmitting information concerning an accident to a central
11 communications system.

12 2. An event data recorder, as defined under 49 CFR 563.5 (b).

13 (b) Notwithstanding s. 340.01 (42), “owner” means, with respect to a vehicle
14 that is leased to a lessee for a period of 3 months or more, the lessee.

15 **(2)** No person may access, collect, or transfer information stored on a vehicle
16 data recorder installed in a motor vehicle unless the person discloses the intended
17 use of the information to an owner and receives the written, electronic, or recorded
18 audio consent of an owner. Consent under this subsection may not be implied from
19 a person’s purchase of the motor vehicle in which a vehicle data recorder is installed.
20 This subsection does not apply to the access, collection, or transfer of information for
21 any of the following purposes:

22 (a) To effectuate a court order or to obtain information pursuant to a request
23 under s. 804.09.

24 (b) In the provision of a service for which an owner has contracted, if the
25 information to be accessed or transferred is described in the contract for the service.

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1 (c) For a motor vehicle dealer, as defined in s. 218.0101 (23) (a), or a person in
2 the business of maintenance or repair of motor vehicles to access information stored
3 on a vehicle data recorder installed in a motor vehicle if the information is used solely
4 for diagnosing, servicing, or repairing the motor vehicle.

5 (d) For the purpose of determining the need for or facilitating emergency
6 medical response in the event of an accident.

7 (e) For the purpose of improving motor vehicle safety, including medical
8 research on the human body's reaction to motor vehicle accidents, if the identity of
9 the owner or driver of the vehicle and the last 6 digits of the vehicle identification
10 number of the vehicle are not disclosed in connection with a transfer of information.

11 **SECTION 2.** 347.50 (1) of the statutes is amended to read:

12 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.375, s.
13 347.385 (5), s. 347.413 (1) or s. 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s.
14 347.475 or s. 347.48 (2m) or (4) or s. 347.489, may be required to forfeit not less than
15 \$10 nor more than \$200.

16 **SECTION 3.** 347.50 (1g) of the statutes is created to read:

17 347.50 (1g) Any person violating s. 347.375 (2) may be required to forfeit not
18 less than \$200 nor more than \$2,000.

19 **SECTION 4. Effective date.**

20 (1) This act takes effect on the first day of the 7th month beginning after
21 publication.

22 (END)