



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1649/1
EVM:amn&kjf

2017 SENATE BILL 196

April 20, 2017 - Introduced by Senators STROEBEL, CRAIG, ERPENBACH, KAPENGA, LEMAHIEU, TIFFANY, VINEHOUT and WANGGAARD, cosponsored by Representatives KREMER, QUINN, BERNIER, BILLINGS, BRANDTJEN, DOYLE, DUCHOW, HORLACHER, JARCHOW, KERKMAN, KNODL, NOVAK, SKOWRONSKI, TAUCHEN, THIESFELDT, TITTL and WEATHERSTON. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT** *to amend* 347.50 (1); and *to create* 218.0152 (4), 347.375 and 347.50 (1g)
2 of the statutes; **relating to:** motor vehicle data recorders and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the use of vehicle data recorders (VDRs) in motor vehicles.

This bill prohibits, with certain exceptions, any person from accessing, collecting, or transferring information stored on a 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.

Also under this bill, the Department of Transportation must require a statement as to whether the vehicle is equipped with a VDR to be displayed on any guide DOT requires to be displayed on used motor vehicles displayed or offered for sale by a motor vehicle dealer.

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:

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1 **SECTION 1.** 218.0152 (4) of the statutes is created to read:

2 218.0152 (4) Any guide required by the department of transportation to be
3 displayed on used motor vehicles displayed or offered for sale by a motor vehicle
4 dealer shall include a statement that the vehicle may be equipped with a vehicle data
5 recorder, as defined in s. 347.375 (1) (a). The department may not revise a guide
6 referenced in this subsection solely to include the statement required under this
7 subsection, but shall require the statement to be included when a guide referenced
8 in this subsection is otherwise revised in the normal course of departmental
9 business.

10 **SECTION 2.** 347.375 of the statutes is created to read:

11 **347.375 Vehicle data recorders. (1)** In this section:

12 (a) “Vehicle data recorder” means any of the following:

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

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

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

18 c. Recording information concerning steering performance.

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

21 e. Recording information regarding safety belt usage.

22 f. Transmitting information concerning an accident to a central
23 communications system.

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

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

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

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

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

14 (c) For the department or any law enforcement agency to transfer information,
15 including personally identifiable information, as defined in s. 19.62 (5), to an insurer,
16 insurance support organization, or self-insured entity, or to the agents, employees,
17 or contractors of an insurer, insurance support organization, or self-insured entity,
18 in connection with claims investigation activities, antifraud activities, rating, or
19 underwriting.

20 (d) For a motor vehicle dealer, as defined in 218.0101 (23) (a), or a person in the
21 business of maintenance or repair of motor vehicles to access information stored on
22 a vehicle data recorder installed in a motor vehicle if the information is used solely
23 for diagnosing, servicing, or repairing the motor vehicle.

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1 (e) To investigate a claim under a motor vehicle insurance policy containing a
2 provision voluntarily entered into by the insured that requires the insured to
3 cooperate in the investigation of a motor vehicle insurance claim.

4 (f) For the purpose of facilitating emergency medical response to an adult at
5 risk regarding whom a report has been disseminated under s. 175.51 (1m) or a
6 missing or endangered person regarding whom a report has been disseminated
7 under s. 165.785 (1) (b) 1.

8 **SECTION 3.** 347.50 (1) of the statutes is amended to read:

9 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.375, s.
10 347.385 (5), s. 347.413 (1) or s. 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s.
11 347.475 or s. 347.48 (2m) or (4) or s. 347.489, may be required to forfeit not less than
12 \$10 nor more than \$200.

13 **SECTION 4.** 347.50 (1g) of the statutes is created to read:

14 347.50 (1g) Any person violating s. 347.375 (2) may be required to forfeit not
15 less than \$200 nor more than \$2,000.

16 **SECTION 5. Effective date.**

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

19 (END)