§ 416-b. Vehicle data recording devices. 1. A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one or more recording devices commonly referred to as "event data recorders" including "sensing and diagnostic modules" shall disclose that fact in or along with the owner's manual for the vehicle.

2. As used in this section, (a) "event data recorder" means a feature that is installed by the manufacturer of the vehicle and does one or more of the following, for the purpose of capturing data for retrieval after a crash:

(i) Records vehicle speed and/or direction.

(ii) Records vehicle location.

(iii) Records vehicle steering performance.

(iv) Records brake performance, including, but not limited to, whether brakes were applied before a crash.

(v) Records the driver's seatbelt status.

(vi) Has the ability to transmit information concerning a crash in which the motor vehicle has been involved to a central communications system when a crash occurs.

(b) "owner" means a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, provided such agreement at inception is for a period in excess of three months.

3. Data described in subdivision two of this section that is recorded on an event data recorder may not be downloaded or otherwise retrieved by a person other than the owner of the motor vehicle at the time the data is accessed, except under one of the following circumstances:

(a) The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information.

(b) In response to an order of a court or other judicial or administrative authority having jurisdiction to issue the order.

(c) For the purpose of improving motor vehicle safety, security or traffic management including for medical research of the human body's

reaction to motor vehicle crashes, provided that the identity of the registered owner or driver is not disclosed in connection with that retrieved data. For purposes of this section the disclosure of the vehicle identification number (VIN) with the last four digits deleted, does not constitute the disclosure of the identity of the registered owner or driver.

(d) The data is retrieved by a licensed new motor vehicle dealer as defined in section four hundred fifteen of this article or by an automotive technician trained in such retrieval and employed by a registered motor vehicle repair shop as defined in article twelve-A of this chapter, for the purpose of diagnosing, servicing, or repairing the motor vehicle.

(e) The data is retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash.

4. A person, including a service or data processor operating on behalf of such a person authorized to download or otherwise retrieve data from an event data recorder pursuant to paragraph (c) of subdivision three of this section, may not release that data, except for the purposes of motor vehicle safety and medical research communities to advance motor vehicle safety, security or traffic management, or to a data processor solely for the purpose permitted by this subdivision, and only if the identity of the owner or driver is not disclosed.

5. (a) If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information as described in subparagraph (ii) or (vi) of paragraph (a) of subdivision two of this section and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the subscription service agreement.

(b) Subdivision three of this section does not apply to subscription services meeting the requirements of paragraph (a) of this subdivision.