

BUT DAD, I WASN'T GOING THAT FAST BEFORE THE WRECK!

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You maneuver your brand new vehicle through traffic. You are impressed with the lack of NVH (noise, vibration, harshness); the way it corners, brakes and accelerates. You are admiring the wood dash. This is not your father's Oldsmobile. As you glance back up to the road, you barely see the light changing from yellow to red. You have a choice: gun it or slam on the brakes. You gun it (after all, that's why you paid for all that extra horsepower – "That thing got a Hemi?"), but it is too late. Out of the corner of your eye, the vehicle enters the intersection and you hit it broadside. Your airbags deploy. Your seat and shoulder restraint lock and hold you firmly in your near-racing quality bucket seat. You are not hurt, but you are not so sure about the other driver. Now the "black box" may be your worst witness in the ensuing lawsuit.

Newer cars are increasingly being equipped with an EDR ("event data recorder") – the automotive equivalent of an aircraft "black box." These devices may record the severity of a crash, airbag performance, driver seatbelt status, vehicle speed, throttle position and brake status both immediately before and at the time of the accident. And this information is capable of being downloaded. So the debate has begun. Given such information exists: Can this information be used in civil lawsuits? Can it be used in criminal prosecutions? Could it be used to by an insurance company to determine your next ratings (i.e., premiums) post-accident?

All of this smacks of Orwell's 1984. Surprised? Well, you can rest (somewhat) easy as privacy groups are attempting to pass federal and/or state laws to protect this information from being used against the owner/operator of the car. After all, whose information is this, anyhow? Yours and yours alone? Of course, certain car manufacturers have resisted the introduction and use of "black boxes" in their cars. You might imagine that some of these marks are performance oriented (can you say Porsche, BMW?).

In any event, the next time you hand junior the keys to the family chariot and tell him to be careful out there, you might also add that whatever story he may tell when (not if) he has an accident may not be supported by the data contained in the car's "black box." Of course, even if your car has no EDR, you may want to make junior think it does.

Information for this article came from: Autoweek, "The Spy-Sly and Spy-Shy: Which automakers record what?", Bob Gritzinger, November 8, 2004; Autoweek, "Under the Hood, with Big Brother", Bob Gritzinger, November 8, 2004; and, Best's Review, "Roadblock Ahead", March, 2005.

