

CHAPTER 219  
FORMERLY  
HOUSE BILL NO. 56  
AS AMENDED BY  
SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO AUTOMOBILE INSURANCE, VEHICLE DATA-REPORTING DEVICE, AND UNAUTHORIZED USE, RELEASE, OR DISCLOSURE OF DATA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 39, Title 18, Delaware Code by making insertions as shown by underlining as follows:

§ 3918. Vehicle data-reporting device

(a) An insurer seeking to install a data-reporting device in a private passenger vehicle, or seeking to use a previously installed device for the purpose of obtaining data, shall inform the policyholder of such installation or use, of the data that may be obtained by the insurer from such device, and how the installation or use and removal or discontinuation of such device can affect the cost of insurance coverage.

(b) An insurer may not install or use a data reporting device in a private passenger vehicle unless an insured listed as the policyholder consents to such installation or use.

(c) The disclosure of any nonpublic personal information and any nonpublic confidential information collected by a vehicle data reporting device shall be governed by 18 Del.C §535 and 18 Admin. Code §§904-1.0 – 904-16.0.

(d) Any private passenger vehicle insurance rating plan that uses data obtained by a vehicle data-reporting device shall be subject to 18 Del.C. §2501 et seq. and 18 Del. Admin. Code §§1902-1.0 – 1902.6.0.

(e) This section applies to private passenger vehicle insurance issued to individual policyholders primarily for personal, family or household purposes. This section does not apply to policies issued to commercial entities or individuals who obtain insurance products or services for business, commercial or agricultural purposes.

(f) For purposes of this section, a data reporting device is any device that is capable of maintaining, transmitting, or storing, a vehicle's telematics and driving data.

Approved May 08, 2014