



Written by [Raven Clabough](#) on April 20, 2012

## Senate-Passed Bill Would Mandate Black Boxes in Cars, Plus More

Section 31406 of the measure calls for “mandatory event data recorders” to be installed in new vehicles not later than 180 days after the bill's enactment, and mandates penalties on individuals who fail to comply.

There has been a push to install black box devices in vehicles for over a decade. In 2006, the National Highway Traffic Safety Administration encouraged automobile makers to install the systems. But NHTSA Administrator David Strickland said that when millions of Toyota vehicles began to be recalled, government officials considered making the technology mandatory.



Earlier this year, the *New York Times* reported that the black boxes were soon to be mandatory, after the idea was endorsed by the U.S. National Research Council, which had investigated the response of the NHTSA following the reports of sudden acceleration problems in Toyotas.

When the NHTSA was unable to find an electronic cause for the Toyota problem, it was advised by the NRC to close its investigation, but warned that the organization must familiarize itself with today's more sophisticated vehicles.

"Failures associated with electronics systems — including those related to software programming, dual and intermittent electronics hardware faults, and electromagnetic disturbances — may not leave physical evidence to aid investigations into observed or reported unsafe vehicle behaviors," said the NRC. "Similarly, many errors by drivers using or responding to new electronics systems may not leave a physical trace."

The NRC determined that it would be best to install event data recorders in all vehicles to assist in safety investigations, and recommended that “NHTSA [strive] to make electronic event data recorders commonplace in all vehicles.”

Enter the Moving Ahead for Progress in the 21st Century Act.

While the bill also indicates that the data would remain the property of the vehicle's owner, the government does have the power to gain access to the black box under a variety of circumstances, including by court order, if the owner consents to make it available.

Approximately 85 percent of vehicles already come equipped with black boxes, notes the NHTSA, whose own guidelines for vehicles include the devices, even though they are not currently mandatory. According to those guidelines, the boxes must measure such things as speed, position of the gas pedal, whether or not the brakes were pressed, seat belt usage, and the amount of time it took for airbags to deploy.



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In fact, it was a black box that landed Massachusetts Lt. Governor Timothy Murray with a hefty fine following the 2011 accident that totaled his vehicle, because the device recorded that he was speeding and was not wearing a seat belt prior to the accident.

However, critics contend that the data box is part of the slippery slope to total surveillance of the transportation habits and whereabouts of Americans.

The National Motorists Association asserts:

There is no rational or scientific need nor justification to equip tens of millions of vehicles on a perpetual basis with black boxes.

While denials abound there is good reason to believe that the promotion of universal black box installation in new vehicles has more to do with regulatory, enforcement, judicial, and corporate economic interests; all at the expense of vehicle owners who are forced to pay for and retain this form of self-surveillance.

The NMA does not object to safety research that involves the use of black boxes, as long as the participants are informed and willing and they are allowed to opt out of research project without negative consequences. As noted, such research can be reliably conducted with thousands of willing participants, versus millions of uninformed conscripts.

In addition to the black box provisions, MAP 21 would permit the IRS to revoke the passport of any citizen accused of owing \$50,000 or more in taxes. There are several exceptions, however. If the person has set up a payment plan and is paying on time; or is legitimately disputing the debt; or is involved in an emergency situation; or has a humanitarian reason and must travel internationally, he or she may be excepted from the rule for a limited amount of time.

Surprisingly, according to Timothy Meyer, a constitutional law professor at the University of Georgia who has served as a State Department lawyer, the provision is actually legal. *The Atlantic* [explains](#) Meyer's stance:

He concludes that if the passport provisions of MAP 21 became law and were challenged, chances are, the courts would find that they satisfy Due Process concerns. Even though there's no judicial hearing before your travel rights are restricted, the bill does protect a passport holder who's challenging the alleged tax debt. And according to Professor Meyer, that's probably enough here.

Because there are already laws in place that limit a person's right to travel, Meyer contends that the bill is legal. The State Department screens passport applications for those who owe child support of more than \$2500. And the IRS will be holding some Americans' tax refund checks if they have defaulted on their student loans, owe state or local taxes, or have unpaid child support.

"Courts have upheld statutes calling for the revocation and denial of passports to those in arrears of child support payments," he explains. "In part, because the child support payments can be contested."

Some contend, however, that such a provision is entirely un-American.

In an Investors.com editorial, the writer notes, "It is hard to imagine any law more reminiscent of the Soviet Union that America toppled, or its Eastern Bloc slave satellites."

The bill also includes a provision to develop technology to "detect drug-impaired" drivers and the development of testing for similar devices that measure alcohol concentration in the body while in the vehicle.



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Senator Boxer asserted:

There are many people on both sides of the aisle in the Senate who want to get our bill passed into law, and I'm going to do everything I can to keep the pressure on the Republican House to do just that.

Recognizing that they are now in a powerful position, House Republicans are hoping to force Senators to attach a provision for approval of the Keystone XL pipeline to the bill. Such a move would place Senators in a difficult position. And it may compel the President to veto the bill if it did pass both chambers.

“Because this bill circumvents a longstanding and proven process for determining whether cross-border pipelines are in the national interest by mandating the permitting of the Keystone XL pipeline before a new route has been submitted and assessed, the President’s senior advisers would recommend that he veto this legislation,” the White House [said in a formal “statement of administration policy”](#) Tuesday afternoon.

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