

**SUBJECT:** Release of personal information in motor vehicle records

**COMMITTEE:** State Affairs — favorable, without amendment

**VOTE:** 13 ayes — Wolens, S. Turner, Brimer, Carter, Counts, Craddick, Danburg, Hilbert, Hunter, D. Jones, Longoria, McCall, Ramsay

0 nays

2 absent — Alvarado, Stiles

**SENATE VOTE:** On final passage, Local and Uncontested Calendar, May 1 — 31-0

**WITNESSES:** None

**BACKGROUND :** Effective September 13, 1997, federal law (18 USCA sec. 2721) will prohibit state departments of motor vehicles from knowingly disclosing or otherwise making available to any person or entity personal information about any individual obtained in connection with a motor vehicle record. Federal law lists exceptions to the requirement and permissible uses of the information and provides guidelines for the resale or redisclosure of the information.

**DIGEST:** SB 1069 would restrict the disclosure and use of individual personal information contained in Texas motor vehicle records to conform with federal law. The bill would take effect September 1, 1997.

State agencies would be prohibited from disclosing most personal information obtained in connection with a motor vehicle record. Personal information would include identifying information, such as photographs, social security numbers, names, addresses, telephone numbers and medical or disability information. It would not include information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status.

Personal information would have to be disclosed for use relating to:

- motor vehicle or motor vehicle operator safety;
- motor vehicle theft;
- motor vehicle emissions;
- motor vehicle product alterations, recalls or advisories;
- performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer; and
- removing nonowner records from the original records of a motor vehicle manufacturer to carry out purposes of federal law.

Personal information could be disclosed by state agencies if persons requesting the information demonstrated that they had the written consent of the subject of the information.

State agencies would be able to disclose information, for a reasonable fee, to requestors who provided their name and address and represented that the information would be strictly limited to use:

- by a government agency in carrying out its function or a private person or entity acting on behalf of a government agency in connection with purposes generally exempted from the no-disclosure rule;
- by a business to verify the accuracy of personal information submitted by an individual or to obtain correct information only for purposes of preventing fraud by pursuing a legal remedy against or recovering on a debt or security interest against the persons;
- in conjunction with a court or regulatory body;
- in research or producing statistical reports, if the personal information was not published, redisclosed or used to contact the person;
- by an insurer for specified purposes;
- for providing notice of a towed or impounded vehicle;
- by a licensed private investigatory or security service for a purpose permitted by the bill;
- by an employer to obtain or verify information relating to a holder of a commercial driver's license;

- in connection with the operation of a private toll facility;
- in bulk distribution of surveys, marketing or solicitations, if the agency had implemented procedures to ensure that persons could opt out of these uses; and
- for other purposes specified by law that relate to the operation of a motor vehicle or public safety.

The only personal information that could be released for these reasons would be name and addresses, date of birth, and driver's license number. Persons who misrepresented their identity or made false statements in requesting personal information would commit a Class A misdemeanor (maximum penalty of one year in jail and a \$4,000 fine).

The bill would generally prohibit information, including magnetic tapes, from being released unless the receiver was eligible to receive that information. A magnetic tape could not be sold unless it contained information only on persons who had not prohibited the disclosure of their personal information.

The Department of Public Safety would have to provide written notice on driver license and identification applications and renewals that persons could prohibit disclosure of their personal information.

Personal information obtained by an agency in connection with a motor vehicle record could be disclosed to a requestor without regard to its intended use *if* the DPS has clearly noted on its forms that the personal information could be disclosed to any person making a request unless the individual had opted to prohibit that disclosure.

Motor vehicle operator's or driver's licenses or permits, motor vehicle title or registration and personal identification documents issued by the state or local, authorized agency would be excluded from open records requirements that public information be available to the public at a minimum during normal business hours of a governmental body.

Thumb and finger prints could be used only in connection with the issuance of a license, permit or certificate and could be disclosed only if expressly authorized by law.

Certain authorized recipients of personal information would be able to resell or redisclose it for any purpose outlined by the the bill. Recipients of information for bulk surveys or marketing could resell or disclose information only if it was not directed at persons who had requested not to have the information directed at them.

Information held by DPS or another governmental entity relating to motor vehicle accidents would be privileged and for the confidential use of DPS and local, state or federal agencies for accident prevention. The information would have to be released, upon written request and payment of a required fee, to:

- local state or federal agencies;
- law enforcement agencies involved with the accident investigation;
- the court involved with a case dealing with the accident; or
- a person who provided DPS with the name of a party involved in the accident and the date of the accident or the specific address of the accident.