

## **BILL ANALYSIS**

Senate Research Center

S.B. 1069  
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State Affairs  
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As Filed

### **DIGEST**

In September 1994, Congress enacted comprehensive legislation to combat growing public concerns about crime. One provision of that new law, the DPPA, addressed the issue of state driver's license and motor vehicle information and its potential for misuse. Currently, the Driver's Privacy Protection Act (DPPA) requires Texas to create policies by September of 1997 that restrict the use of information made available by the Texas Department of Public Safety and the Texas Department of Transportation. S.B. 1069 would allow for continued access and use of driver's license and motor vehicle information by other governmental agencies for statistical research marketing purposes, vehicle safety and recall notices, insurance underwriting and the identification of owners of towed vehicles.

### **PURPOSE**

As proposed, S.B. 1069 outlines provisions regarding the release and use of certain personal information from motor vehicle records.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to each agency that has obtained information in connection with a motor vehicle under SECTIONS 11 and 14 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. SHORT TITLE: Motor Vehicle Records Disclosure Act.

SECTION 2. PURPOSE. Provides that the purpose of this Act is to implement Chapter 132, Title 18, U.S.C., and to protect the interest of an individual's personal privacy by prohibiting the disclosure and use of personal information contained in motor vehicle records, except as authorized by the individual or by law.

SECTION 3. DEFINITIONS. Defines "agency," "disclose," "individual record," "motor vehicle record," "person," "personal information," and "record."

SECTION 4. PROHIBITION ON DISCLOSURE AND USE OF PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS. Prohibits any agency of this state or an authorized agent or contractor of an agency of this state, that complies or maintains motor vehicle records (agency) from disclosing personal information about any person obtained by the agency in connection with a motor vehicle record, notwithstanding any other provision of this law to the contrary, except as provided by SECTIONS 5-8 of this Act.

SECTION 5. REQUIRED DISCLOSURE. Requires personal information obtained by an agency in connection with a motor vehicle record to be disclosed for use in connection with certain matters.

SECTION 6. REQUIRED DISCLOSURE WITH CONSENT. Requires personal information obtained by an agency in connection with a motor vehicle record to be disclosed to a requestor who demonstrates, in such form and manner as the agency requires, that the requestor has obtained the written consent of the person who is the subject of the information.

SECTION 7. PERMITTED DISCLOSURES. Sets forth instances in which personal information obtained by an agency in connection with a motor vehicle may be disclosed to any requestor by an agency.

SECTION 8. DISCLOSURE OF INDIVIDUAL RECORD. Sets forth instances in which personal information obtained by an agency in connection with a motor vehicle record that is contained in an individual record may be disclosed to a requestor without regard to intended use.

SECTION 9. REQUESTS TO PROHIBIT DISCLOSURE. Requires each agency to distinguish between a request by a person under SECTION 8 of this Act to prohibit disclosure of personal information in the person's individual record and a request under SECTION 7(2)(k) of this Act by a person to prohibit disclosure of that information.

SECTION 10. DISCLOSURE OF THUMB OR FINGER IMAGES PROHIBITED. Provides that if an agency obtains an image of an individual's thumb or finger in connection with the issuance of a license, permit, or certificate to the individual, the agency may use the image only in connection with the issuance of the license, permit, or certificate and disclose the image only if disclosure is expressly authorized by the law, notwithstanding any other provision of this Act.

SECTION 11. FEES. Authorizes an agency that has obtained information in connection with a motor vehicle to adopt reasonable fees for disclosure of that personal information under this Act.

SECTION 12. ADDITIONAL CONDITIONS. Authorizes an agency to require a requestor to provide reasonable assurance as to the identity of the requestor and that use of the personal information will be only as authorized or that the consent of the person who is the subject of the information has been obtained in addition to the payment of a fee adopted under SECTION 11 of this Act. Authorizes an agency to require the requestor to make or file a written application in the form and containing any certification requirement the agency may prescribe.

SECTION 13. RESALE OR REDISCLOSURE. Outlines provisions regarding the resale and redisclosure of personal information.

SECTION 14. REGULATIONS AND WAIVER PROCEDURE. Authorizes each agency to adopt rules to implement and administer this Act.

SECTION 15. PENALTY FOR FALSE REPRESENTATION. Provides that a person who requests the disclosure of personal information from an agency's records under this Act and misrepresents the person's identity or who makes a false statement to the agency on an application required by the agency under this Act commits a Class A misdemeanor.

SECTION 16. (a) Effective date: September 1, 1997.

(b) Requires each agency of this state that on September 1, 1997, compiles or maintains motor vehicle records to adopt rules to implement the procedures described by SECTION 7(2)(k) of this Act, no later than January 1, 1998. Requires an agency of this state that after September 1, 1997, begins to compile or maintain motor vehicle records to adopt rules to implement the procedure described by SECTION 7(2)(k) of this Act no later than the 121st day after the date that the agency begins to compile or maintain motor vehicle records.

SECTION 17. Emergency clause.