



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 22, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 374, an Act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long horizontal flourish extending to the right.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 374

AN ACT

CONCERNING RESTRICTIONS ON THE RESALE AND USE OF MOTOR
VEHICLE OPERATING RECORDS FURNISHED BY THE DEPARTMENT
OF TRANSPORTATION AND MAKING A PENALTY APPLICABLE.

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

Section 1. Section 321A.3, subsection 8, Code 2009, is amended to read as follows:

8. a. (1) ~~A person making a request for a record or an abstract who purchases a certified abstract of an operating record directly from the department under this section that is subject to a fee shall only use the record or abstract requested, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and it the person shall not supply that record abstract or any portion of that abstract to more than one other person. Any subsequent use of the same record or abstract shall require that the~~ The person shall make a subsequent request for the record or abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified

abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2).

(2) Notwithstanding the limitation on use, sale, disclosure, and distribution of a certified abstract under subparagraph (1), a person who purchases a certified abstract under this section may provide a copy of the previously purchased certified abstract to the person who is an insurer who was originally supplied the certified abstract by the person who purchased the certified abstract.

b. A person who is supplied a certified abstract or any portion of the abstract by a person who purchases the certified abstract under paragraph "a" shall only use the abstract one time, for one purpose, and shall not reuse, sell, disclose, or distribute the abstract or any portion of the abstract except as provided in paragraph "c".

c. A person who is an insurer or an insurance producer licensed under chapter 522B who purchases a certified abstract under this section or a person who is supplied a certified abstract or any portion of the abstract pursuant to paragraph "b" may use the certified abstract pursuant to this paragraph "c" for more than one use for the following purposes:

(1) To provide a copy to a consumer with respect to a specific decision impacting the consumer and made in whole or in part based upon information contained in the certified abstract, as defined by rule of the department.

(2) Internal auditing purposes, or similar internal purposes as defined by rule of the department.

(3) Internal purposes in a manner consistent with the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721-2725, by a person who is an insurer.

(4) To show compliance with the retention requirements imposed under this section or other applicable law.

(5) By an insurer, to provide a copy to an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of a specific application for coverage. However, a producer who is provided a certified abstract pursuant to this subparagraph shall not reuse, sell, disclose, or distribute the abstract with respect to any transaction not associated with the insurer who appointed the producer.

(6) To provide a copy to an insurer for purposes of a specific application for coverage if the person requesting the certified abstract is an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of the specific application for coverage.

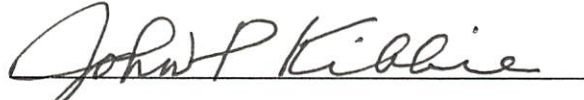
(7) To provide a copy, for the purpose of a specific application for coverage or for a purpose as provided under subparagraphs (1) through (4), to an affiliate of the person who is an insurer who originally purchased or was supplied the certified abstract. An affiliate who receives a copy of a certified abstract pursuant to this subparagraph shall only use the copy of the abstract one time and shall not reuse, sell, disclose, or distribute the copy to any other person, except as provided under subparagraphs (1) through (5) in the same manner as permitted for a person who is an insurer.

d. For purposes of this subsection, "affiliate" means an insurer who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the person who is an insurer.

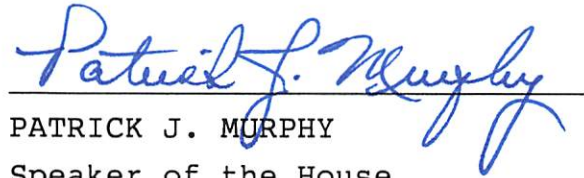
e. A person requesting-a-record-or-an-abstract who purchases a certified abstract directly from the department pursuant to this section shall keep records for a period of five years identifying who-the-record-or the persons to whom the abstract is provided to, and the use of the record-or abstract, for a period of five years. Records maintained pursuant to this subsection shall be made available to the department upon request. A person who is otherwise supplied a certified abstract and who then provides that abstract to another person for a purpose other than the purposes identified under paragraph "c" shall also be subject to the recordkeeping requirements under this paragraph.

f. A person shall not sell, retain, distribute, provide, or transfer any record or use, sell, disclose, or distribute any abstract information or portion of the record or abstract information acquired under this agreement section except as authorized by this section and any applicable rules of the department and. Nothing in this section shall be construed to authorize the use, sale, disclosure, or distribution of personal information, protected personal information, or

highly protected personal information as prohibited under section 321.11 or the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721--2725.



JOHN P. KIBBIE
President of the Senate



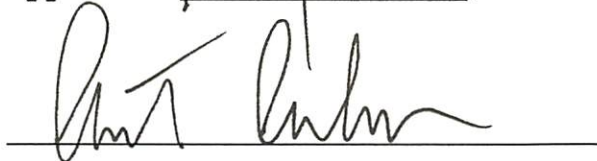
PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 374, Eighty-third General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 22nd, 2009



CHESTER J. CULVER
Governor