

2/28/96 Failed to Pass

JAN 9 1996

TRANSPORTATION

HOUSE FILE

2038

BY VANDE HOEF

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to public access to motor vehicle records and  
2 providing an effective date.

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

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HF 2038

1 Section 1. Section 321.11, Code 1995, is amended to read  
2 as follows:

3 321.11 RECORDS OF DEPARTMENT.

4 All records of the department, ~~other than those declared by~~  
5 ~~law to be confidential for the use of the department~~ other  
6 than those made confidential or not permitted to be open in  
7 accordance with 18 U.S.C. § 2721 et seq., adopted as of a  
8 specific date by rule of the department, shall be open to  
9 public inspection during office hours.

10 Personal information shall be disclosed to a requestor if  
11 the individual whose personal information is requested has not  
12 elected to prohibit disclosure of the information. The  
13 department shall give notice in a clear and conspicuous manner  
14 on forms for issuance or renewal of driver's licenses, titles,  
15 registrations, or nonoperator's identification cards that  
16 personal information collected by the department may be dis-  
17 closed to any person. The department shall provide in a clear  
18 and conspicuous manner on these forms an opportunity for an  
19 individual to prohibit disclosure of personal information. As  
20 used in this paragraph, "personal information" means  
21 information that identifies a person, including a person's  
22 photograph, social security number, driver's license number,  
23 name, address, telephone number, and medical or disability  
24 information, but does not include information on vehicular  
25 accidents, driving violations, and driver's status or a  
26 person's zip code.

27 Sec. 2. EFFECTIVE DATE. This Act takes effect September  
28 13, 1997.

29 EXPLANATION

30 The federal Driver's Privacy Protection Act of 1994  
31 requires that all records of the state department of  
32 transportation pertaining to operator's permits, titles,  
33 registrations, or nonoperator's identification cards that  
34 contain personal information be closed to public access not  
35 later than September 13, 1997. Personal information means

1 information that identifies a person, including a person's  
2 photograph, social security number, driver's identification  
3 number, name, address not including zip code, telephone  
4 number, and medical or disability information, but does not  
5 include information on vehicular accidents, driving  
6 violations, and driver's status.

7 Under the federal Act the records are permitted to be  
8 opened for law enforcement purposes; safety, emissions, and  
9 product recalls and advisories; monitoring of vehicle  
10 performance by dealers and manufacturers; and for purposes of  
11 various federal Acts affecting motor vehicles and motor  
12 vehicle safety.

13 Subsection 2721(b) of the federal Driver's Privacy  
14 Protection Act of 1994 permits states in certain scenarios to  
15 allow access to these records. Access may be granted to  
16 governmental agencies; persons conducting motor vehicle safety  
17 and marketing research; businesses conducting investigations  
18 in the normal course of business; for use in any civil,  
19 criminal, administrative, or arbitral proceedings; for use in  
20 research; for use by insurance companies; for giving notice of  
21 vehicle impoundments; for use by licensed private detective or  
22 security agencies; for verification purposes relating to  
23 commercial driver qualification; for use in operation of  
24 private toll facilities; for bulk distribution of surveys and  
25 marketing solicitations (subject to opt-out provisions as  
26 provided in this bill); by any person who has the written  
27 consent of the subject of the record; or for any other use  
28 authorized by state law relating to the operation of a motor  
29 vehicle or public safety. This bill would authorize these  
30 permissible uses of the affected records.

31 The bill allows the records to be kept open unless a person  
32 requests that their records be closed. Those individual  
33 records then become confidential, but only as to the general  
34 public or for bulk distribution for surveys, marketing, or  
35 solicitation. The bill provides that forms for issuance or

1 renewal of driver's licenses, titles, registrations, or  
2 nonoperator's identification cards that contain personal  
3 information collected by the department provide the person  
4 with notice of their right to designate their record  
5 confidential.

6 The federal Act provides that if the state department of  
7 transportation has a policy or practice of substantial  
8 noncompliance with the federal Act, the department is subject  
9 to a civil penalty of not more than \$5,000 per day of  
10 substantial noncompliance and it provides for a civil cause of  
11 action against a person who knowingly obtains, discloses, or  
12 uses personal information from a motor vehicle record for an  
13 unpermitted purposes.

14 The bill takes effect September 13, 1997.

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