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MAR 6 1996
Place On Calendar

HOUSE FILE 2462
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2038)

Passed House, ^(P.790) Date 3/18/96 Passed Senate, Date 3/26/96
Vote: Ayes 94 Nays 4 Vote: Ayes 46 Nays 2
Approved April 16, 1996

A BILL FOR

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

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

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HOUSE FILE 2462

H-5225

1 Amend House File 2462 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "information" the following: "to the general public".
4 2. Page 1, line 19, by inserting after the word
5 "information" the following: "to the general public".
By NELSON of Marshall

H-5225 FILED MARCH 6, 1996

adopted *3/18/96*
(P.790)

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TLSB 3421HV 76

js/jw/5

HF 2462

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. CONDITIONAL REPEAL. In the event that the
28 requirements to provide for closure of records of the state
29 department of transportation as contained in 18 U.S.C. § 2721
30 et seq., are repealed, or are declared to be unconstitutional
31 by a federal court of competent jurisdiction, the amendment to
32 section 321.11, as contained in this Act, is repealed. The
33 director of the state department of transportation shall make
34 a determination that the federal law has been repealed or
35 declared unconstitutional and in that event shall provide for

1 immediate implementation of section 321.11, as it existed
2 prior to the enactment of this Act, through the rulemaking
3 procedures of chapter 17A. The director shall also propose to
4 the general assembly pursuant to section 2.16 necessary
5 changes of the Code. The Code editor may also include such
6 necessary changes in the next Code editor's bill.

7 Sec. 3. EFFECTIVE DATE. This Act takes effect September
8 13, 1997.

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EXPLANATION

10 The federal Driver's Privacy Protection Act of 1994
11 requires that all records of the state department of
12 transportation pertaining to operator's permits, titles,
13 registrations, or nonoperator's identification cards that
14 contain personal information be closed to public access not
15 later than September 13, 1997. Personal information means
16 information that identifies a person, including a person's
17 photograph, social security number, driver's identification
18 number, name, address not including zip code, telephone
19 number, and medical or disability information, but does not
20 include information on vehicular accidents, driving
21 violations, and driver's status.

22 Under the federal Act the records are permitted to be
23 opened for law enforcement purposes; safety, emissions, and
24 product recalls and advisories; monitoring of vehicle
25 performance by dealers and manufacturers; and for purposes of
26 various federal Acts affecting motor vehicles and motor
27 vehicle safety.

28 Subsection 2721(b) of the federal Driver's Privacy
29 Protection Act of 1994 permits states in certain scenarios to
30 allow access to these records. Access may be granted to
31 governmental agencies; persons conducting motor vehicle safety
32 and marketing research; businesses conducting investigations
33 in the normal course of business; for use in any civil,
34 criminal, administrative, or arbitral proceedings; for use in
35 research; for use by insurance companies; for giving notice of

1 vehicle impoundments; for use by licensed private detective or
2 security agencies; for verification purposes relating to
3 commercial driver qualification; for use in operation of
4 private toll facilities; for bulk distribution of surveys and
5 marketing solicitations (subject to opt-out provisions as
6 provided in this bill); by any person who has the written
7 consent of the subject of the record; or for any other use
8 authorized by state law relating to the operation of a motor
9 vehicle or public safety. This bill would authorize these
10 permissible uses of the affected records.

11 The bill allows the records to be kept open unless a person
12 requests that their records be closed. Those individual
13 records then become confidential, but only as to the general
14 public or for bulk distribution for surveys, marketing, or
15 solicitation. The bill provides that forms for issuance or
16 renewal of driver's licenses, titles, registrations, or
17 nonoperator's identification cards that contain personal
18 information collected by the department provide the person
19 with notice of their right to designate their record
20 confidential.

21 The federal Act provides that if the state department of
22 transportation has a policy or practice of substantial
23 noncompliance with the federal Act, the department is subject
24 to a civil penalty of not more than \$5,000 per day of
25 substantial noncompliance and it provides for a civil cause of
26 action against a person who knowingly obtains, discloses, or
27 uses personal information from a motor vehicle record for an
28 unpermitted purposes.

29 The bill provides for repeal of the Act if the federal
30 requirement is repealed or held unconstitutional.

31 The bill takes effect September 13, 1997.

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Substituted for SF 2462
4-3-96 (p. 1221)

3/18/96 report
5-3/21/96 Do Pass

HOUSE FILE 2462
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2038)

(As Amended and Passed by the House, March 18, 1996)

Re-Passed House, Date 4/8/96 (p. 1424) Passed Senate, Date 3/26/96
Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 2
Approved April 16, 1996 (p. 1064)

A BILL FOR

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

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

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House Amendments _____

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

27 Sec. 2. CONDITIONAL REPEAL. In the event that the
28 requirements to provide for closure of records of the state
29 department of transportation as contained in 18 U.S.C. § 2721
30 et seq., are repealed, or are declared to be unconstitutional
31 by a federal court of competent jurisdiction, the amendment to
32 section 321.11, as contained in this Act, is repealed. The
33 director of the state department of transportation shall make
34 a determination that the federal law has been repealed or
35 declared unconstitutional and in that event shall provide for

1 immediate implementation of section 321.11, as it existed
2 prior to the enactment of this Act, through the rulemaking
3 procedures of chapter 17A. The director shall also propose to
4 the general assembly pursuant to section 2.16 necessary
5 changes of the Code. The Code editor may also include such
6 necessary changes in the next Code editor's bill.

7 Sec. 3. EFFECTIVE DATE. This Act takes effect September
8 13, 1997.

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HOUSE FILE 2462

S-5511

1 Amend House File 2462, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 26 the
4 following:
5 "Notwithstanding other provisions of this section
6 to the contrary, the department shall not release
7 personal information to a person, other than to an
8 officer or employee of a law enforcement agency, if
9 the information is requested by the presentation of a
10 registration plate number. However, a law enforcement
11 agency may release the name, address, and telephone
12 number of a motor vehicle registrant to a person
13 requesting the information by the presentation of a
14 registration plate number if the law enforcement
15 agency believes that the information is necessary to
16 prevent an unlawful act. A person seeking the
17 information shall state in writing the nature of the
18 unlawful act that the person is attempting to
19 prevent."

By MICHAEL E. GRONSTAL
RICHARD F. DRAKE

S-5511 FILED MARCH 21, 1996

Adopted 3/26/96 (p. 1064)

SENATE AMENDMENT TO HOUSE FILE 2462

H-5650

1 Amend House File 2462, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 26 the
4 following:
5 "Notwithstanding other provisions of this section
6 to the contrary, the department shall not release
7 personal information to a person, other than to an
8 officer or employee of a law enforcement agency, if
9 the information is requested by the presentation of a
10 registration plate number. However, a law enforcement
11 agency may release the name, address, and telephone
12 number of a motor vehicle registrant to a person
13 requesting the information by the presentation of a
14 registration plate number if the law enforcement
15 agency believes that the information is necessary to
16 prevent an unlawful act. A person seeking the
17 information shall state in writing the nature of the
18 unlawful act that the person is attempting to
19 prevent."

RECEIVED FROM THE SENATE

H-5650 FILED MARCH 26, 1996

House concurred 4/8/96 (p. 1424)

HOUSE FILE 2462

AN ACT

RELATING TO PUBLIC ACCESS TO MOTOR VEHICLE RECORDS AND PROVIDING A CONDITIONAL REPEAL AND AN EFFECTIVE DATE.

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

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

321.11 RECORDS OF DEPARTMENT.

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

Personal information shall be disclosed to a requestor if the individual whose personal information is requested has not elected to prohibit disclosure of the information to the general public. The department shall give notice in a clear and conspicuous manner on forms for issuance or renewal of driver's licenses, titles, registrations, or nonoperator's identification cards that personal information collected by the department may be disclosed to any person. The department shall provide in a clear and conspicuous manner on these forms an opportunity for an individual to prohibit disclosure of

personal information to the general public. As used in this paragraph, "personal information" means information that identifies a person, including a person's photograph, social security number, driver's license number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status or a person's zip code.

Notwithstanding other provisions of this section to the contrary, the department shall not release personal information to a person, other than to an officer or employee of a law enforcement agency, if the information is requested by the presentation of a registration plate number. However, a law enforcement agency may release the name, address, and telephone number of a motor vehicle registrant to a person requesting the information by the presentation of a registration plate number if the law enforcement agency believes that the information is necessary to prevent an unlawful act. A person seeking the information shall state in writing the nature of the unlawful act that the person is attempting to prevent.

Sec. 2. CONDITIONAL REPEAL. In the event that the requirements to provide for closure of records of the state department of transportation as contained in 18 U.S.C. § 2721 et seq., are repealed, or are declared to be unconstitutional by a federal court of competent jurisdiction, the amendment to section 321.11, as contained in this Act, is repealed. The director of the state department of transportation shall make a determination that the federal law has been repealed or declared unconstitutional and in that event shall provide for immediate implementation of section 321.11, as it existed prior to the enactment of this Act, through the rulemaking procedures of chapter 17A. The director shall also propose to the general assembly pursuant to section 2.16 necessary changes of the Code. The Code editor may also include such necessary changes in the next Code editor's bill.

Sec. 3. EFFECTIVE DATE. This Act takes effect September 13, 1997.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2462, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 16, 1996

TERRY E. BRANSTAD
Governor