

3/25/96 State Govt.

FILED FEB 27 1996

SENATE FILE **2333**  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 2116)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

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

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

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**S.F. 2333**

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 Sec. 2. EFFECTIVE DATE. This Act takes effect September  
11 13, 1997.

12 EXPLANATION

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

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

31 Subsection 2721(b) of the federal Driver's Privacy  
32 Protection Act of 1994 permits states in certain scenarios to  
33 allow access to these records. Access may be granted to  
34 governmental agencies; persons conducting motor vehicle safety  
35 and marketing research; businesses conducting investigations

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

14 The federal Act provides that if the state department of  
15 transportation has a policy or practice of substantial  
16 noncompliance with the federal Act, the department is subject  
17 to a civil penalty of not more than \$5,000 per day of  
18 substantial noncompliance and it provides for a civil cause of  
19 action against a person who knowingly obtains, discloses, or  
20 uses personal information from a motor vehicle record for an  
21 unpermitted purpose.

22 The bill takes effect September 13, 1997.

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**SENATE FILE 2333  
FISCAL NOTE**

REQ. BY SENATOR DRAKE

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A fiscal note for Senate File 2333 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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The federal Driver's Privacy Protection Act of 1994 requires all records of state departments of transportation pertaining to operator's permits, titles, registrations, or nonoperator's identification cards that contain personal information be closed to public access. The federal rule becomes effective September 13, 1997. Senate File 2333 makes Iowa law consistent with the federal regulation.

**FISCAL IMPACT**

The fiscal impact of Senate File 2333 will be approximately \$9,000 (Primary and Road Use Tax Funds) in additional computer programming costs to the Department of Transportation associated with federal compliance.

**SOURCE**

Department of Transportation

(LSB 4205SV, DLR)

FILED MARCH 18, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2333

S-5328

1 Amend Senate File 2333 as follows:

2 1. Page 1, by inserting after line 9 the  
3 following:

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

24 Sec. 2. **CONDITIONAL REPEAL.** In the event that the  
25 requirements to provide for closure of records of the  
26 state department of transportation as contained in 18  
27 U.S.C. § 2721 et seq., are repealed, or are declared  
28 to be unconstitutional by a federal court of competent  
29 jurisdiction, the amendment to section 321.11, as  
30 contained in this Act, is repealed. The director of  
31 the state department of transportation shall make a  
32 determination that the federal law has been repealed  
33 or declared unconstitutional and in that event shall  
34 provide for immediate implementation of section  
35 321.11, as it existed prior to the enactment of this  
36 Act, through the rulemaking procedures of chapter 17A.  
37 The director shall also propose to the general  
38 assembly pursuant to section 2.16 necessary changes of  
39 the Code. The Code editor may also include such  
40 necessary changes in the next Code editor's bill."

41 2. Title page, line 1, by inserting after the  
42 word "providing" the following: "a conditional repeal  
43 and".

44 3. By renumbering as necessary.

By LARRY MURPHY

S-5328 FILED MARCH 12, 1996

SENATE FILE 2333

S-5209

1 Amend Senate File 2333 as follows:

2 1. Page 1, by inserting after line 9, the  
3 following:

4 "Sec. \_\_\_\_ . CONDITIONAL REPEAL. In the event that  
5 the requirements to provide for closure of records of  
6 the state department of transportation as contained in  
7 18 U.S.C. § 2721 et seq., are repealed, the amendment  
8 to section 321.11, as contained in this Act, is  
9 repealed."

10 2. By renumbering as necessary.

By JIM LIND

S-5209 FILED MARCH 5, 1996

SENATE FILE 2333

S-5339

1 Amend the Amendment, S-5328, to Senate File 2333 as  
2 follows:

3 1. Page 1, by inserting after line 23 the  
4 following:

5 "Notwithstanding any other provisions of this  
6 section to the contrary, the department shall not  
7 release personal information to a person, other than  
8 to an officer or employee of a law enforcement agency,  
9 if the information is requested by the presentation of  
10 a registration plate number. However, a law  
11 enforcement agency may release the name, address, and  
12 telephone number of a motor vehicle registrant to a  
13 person requesting the information by the presentation  
14 of a 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 must state in writing the nature of the  
18 unlawful act that the person is attempting to  
19 prevent."

By MICHAEL E. GRONSTAL

S-5339 FILED MARCH 13, 1996

Halvorson  
Gronstal  
McLaren

SSB-2116  
State Government  
Succeeded By  
SENATE FILE SE/HF 2333  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON GRONSTAL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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