

FILED FEB 17 2000

SENATE FILE

2206

BY JUDGE

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act allowing the state department of transportation to charge
 2 reasonable fees to certain persons for copies of photographic
 3 records.

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

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SF
 2206
 TRANSPORTATION

1 Section 1. Section 321.11, Code Supplement 1999, is
2 amended to read as follows:

3 321.11 RECORDS OF DEPARTMENT.

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

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

26 3. Notwithstanding other provisions of this section to the
27 contrary, the department shall not release personal
28 information to a person, other than to an officer or employee
29 of a law enforcement agency, an employee of a federal or state
30 agency or political subdivision in the performance of the
31 employee's official duties, a contract employee of the
32 department of inspections and appeals in the conduct of an
33 investigation, or a licensed private investigation agency or a
34 licensed security service or a licensed employee of either, if
35 the information is requested by the presentation of a

1 registration plate number. In addition, an officer or
2 employee of a law enforcement agency may release the name,
3 address, and telephone number of a motor vehicle registrant to
4 a person requesting the information by the presentation of a
5 registration plate number if the officer or employee of the
6 law enforcement agency believes that the release of the
7 information is necessary in the performance of the officer's
8 or employee's duties.

9 4. The department shall not sell personal information
10 which is in the form of a person's photograph or digital image
11 or a digital reproduction of a person's photograph, regardless
12 of whether an individual has elected to prohibit disclosure of
13 the information to the general public. This paragraph
14 subsection does not prohibit the department from collecting
15 reasonable fees for persons' photographs, digital images, or
16 digital reproductions of persons' photographs, or copies
17 thereof, obtained under subsection 3 or for copies of records
18 or other services provided pursuant to section 22.3, 321.10,
19 or 622.46.

20 EXPLANATION

21 This bill amends a provision in Code section 321.11 that
22 prohibits the state department of transportation from selling
23 records of the department which are in the form of a person's
24 photograph, digital image, or digital reproduction of a
25 person's photograph. The bill provides that this provision
26 does not prohibit the department from collecting reasonable
27 fees for such items, or copies of such items, obtained by an
28 officer or employee of a law enforcement agency, an employee
29 of a federal or state agency or political subdivision in the
30 performance of the employee's official duties, a contract
31 employee of the department of inspections and appeals in the
32 conduct of an investigation, or a licensed private
33 investigation agency or a licensed security service or a
34 licensed employee of either, if the information is requested
35 by the presentation of a registration plate number.