

House Study Bill 262

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

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

A BILL FOR

1 An Act concerning restrictions on the resale and use of motor
2 vehicle operating records furnished by the department of
3 transportation and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2490HC 83
6 dea/nh/8

PAG LIN

1 1 Section 1. Section 321A.3, subsection 8, Code 2009, is
1 2 amended to read as follows:
1 3 8. A person making a request for a record or an abstract
~~1 4 under this section that is subject to a fee shall only use the~~
~~1 5 record or abstract requested one time, for one purpose, and it~~
~~1 6 shall not supply that record to more than one other person.~~
~~1 7 Any subsequent use of the same record or abstract shall~~
~~1 8 require that the person make a subsequent request for the~~
~~1 9 record or abstract and pay an additional fee for the request~~
~~1 10 in the same manner as provided for the initial request. A~~
~~1 11 person who purchases a certified abstract of the operating~~
~~1 12 record of a person under subsection 1 shall not resell the~~
~~1 13 certified abstract of the operating record to more than one~~
~~1 14 person. For purposes of this subsection, affiliated persons~~
~~1 15 are considered one person. Any retention, distribution,~~
~~1 16 transfer, or reuse of a certified abstract of the operating~~
~~1 17 record purchased pursuant to subsection 1 shall be consistent~~
~~1 18 with the federal Driver's Privacy Protection Act, 18 U.S.C. }~~
~~1 19 2721=2725. A person requesting a record or an abstract who~~
~~1 20 purchases a certified abstract of the operating record of a~~
~~1 21 person pursuant to this section subsection 1 and then resells~~
~~1 22 that record shall keep records identifying who the record or~~
~~1 23 abstract is provided to, and the use of the record or~~
~~1 24 abstract, the person to whom and the permitted purpose for~~
~~1 25 which the certified abstract of the operating record was sold~~
1 26 for a period of five years. Records maintained pursuant to
1 27 this subsection shall be made available to the department upon
1 28 request. A person shall not sell, retain, distribute,
~~1 29 provide, or transfer any record or abstract information or~~
~~1 30 portion of the record or abstract information acquired under~~
~~1 31 this agreement except as authorized by the department and the~~
~~1 32 federal Driver's Privacy Protection Act, 18 U.S.C. }~~
~~1 33 2721==2725.~~

EXPLANATION

1 34
1 35 This bill addresses restrictions on the use of the
2 1 certified abstract of the operating record of an individual.
2 2 A certified abstract of the operating record is the document
2 3 that identifies, for an individual driver's licensee, certain
2 4 personal information, including records of motor vehicle
2 5 violations, convictions, and sanctions, that may only be
2 6 disclosed for permissible uses pursuant to the federal
2 7 Driver's Privacy Protection Act. Pursuant to current law, a
2 8 person other than a public agency that requests a certified
2 9 abstract of the operating record from the department of
2 10 transportation must pay a fee of \$5.50 for each abstract. The
2 11 person may use the record one time, for one purpose, and may
2 12 not supply the record to more than one other person. The bill
2 13 provides that a person who purchases the certified abstract of
2 14 the operating record shall not resell the abstract to more
2 15 than one person, and the bill specifies that affiliated
2 16 persons are considered one person. The bill states that the
2 17 retention, distribution, transfer, or reuse of a certified

2 18 abstract of the operating record purchased from the department
2 19 shall be consistent with the federal Driver's Privacy
2 20 Protection Act. Finally, the bill requires a person who
2 21 purchases and then resells a certified abstract of the
2 22 operating record to maintain records for five years
2 23 identifying the person to whom the abstract was sold and the
2 24 permitted purpose for which it was sold. Pursuant to current
2 25 Code section 321A.32(4), a person who violates any of these
2 26 provisions is guilty of a serious misdemeanor. A serious
2 27 misdemeanor is punishable by confinement for no more than one
2 28 year and a fine of at least \$315 but not more than \$1,875.
2 29 LSB 2490HC 83
2 30 dea/nh/8