

# SENATE BILL REPORT

## SB 5718

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As Reported By Senate Committee On:  
Transportation, March 5, 1997

**Title:** An act relating to restricting the release and use of certain personal information from state motor vehicle and driver records.

**Brief Description:** Protecting certain personal information in state motor vehicle and driver records.

**Sponsors:** Senators Wood, Newhouse, Haugen, Winsley and Oke; by request of Department of Licensing.

**Brief History:**

**Committee Activity:** Transportation: 2/20/97, 3/5/97 [DPS].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

**Staff:** Jennifer Joly (786-7305)

**Background:** SB 5718 implements the Federal Driver's Privacy Protection Act of 1994, which goes into effect on September 13, 1997. Lack of substantial compliance with the act subjects nonconforming states to civil penalties of not more than \$5,000 per day.

Some examples of currently authorized recipients of Department of Licensing (DOL) vehicle and driver records include: law enforcement agencies, motor vehicle manufacturers (for purposes of recall notification), insurance companies, and employers of commercial drivers.

The federal act provides that personal information may be disclosed to any person or business, if DOL has provided in a clear and conspicuous manner on its forms for issuance and renewal of operator's permits, titles, registrations or identification cards that such personal information is subject to disclosure. Furthermore, the forms must provide an opportunity for the individual named in the record to prohibit the disclosure. In order to curtail the costs of implementation of the federal act, and to afford more privacy protection, the DOL did not incorporate this optional section of the federal act in SB 5718.

**Summary of Substitute Bill:** Disclosure and use of "personal information" contained in motor vehicle and driver records is prohibited, unless explicitly authorized by law or permitted by the individual named in the record.

For purposes of this act, "personal information" means information that identifies an individual, including an individual's photograph or computerized image, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information.

Personal information must be disclosed for use in connection with matters of: (1) motor vehicle or driver safety and theft; (2) motor vehicle emissions; (3) motor vehicle alterations, recalls or advisories; (4) performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and (5) removal of nonowner records from the original owner records of motor vehicle manufacturers.

Upon proof of the identity of the person requesting a record(s) and representation by such person that the use of the personal information will be strictly limited to one of the following uses, the DOL may disclose it: (1) for use by any government agency, including any court or law enforcement agency, in carrying out its functions; (2) for use in the normal course of business by a legitimate business or its agents, employees or contractors, but only (a) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees or contractors; and (b) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against, the individual; (3) for use in connection with any civil, criminal, administrative or arbitral proceeding in any court or government agency or before any self-regulatory body; (4) for use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed or used to contact individuals; (5) for use by any insurer in connection with claims investigation activities, anti-fraud activities, rating or underwriting; (6) for use in providing notice to the legal and registered owners of towed or impounded vehicles; (7) for use by any licensed private investigative agency or licensed security service for any purpose permitted under this section; (8) for use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.); (9) for use in connection with the operation of private toll transportation facilities; (10) for public interest where the use is related to operation of a motor vehicle or to public safety, including disclosure to the news media for public dissemination; and (11) for any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

Disclosure of personal information that is required or permitted under this act is subject to payment by the requesting person to DOL of all fees for the information as prescribed by statute, regulation, administrative practice, or the terms of any contract with the requesting person. DOL may also impose other conditions regarding the identity of the requester, and to the extent required, that the use will be only as authorized, or that the consent of the person who is the subject of the information has been obtained.

A person requesting the disclosure of personal information from DOL records who knowingly misrepresents his or her identity, or knowingly makes a false statement to DOL on any required application is guilty of false swearing, a gross misdemeanor.

**Substitute Bill Compared to Original Bill:** Personal information may be disclosed when related to the operation of a motor vehicle or public safety, including disclosure to the news media for public dissemination.

Governmental entities (e.g., law enforcement) that are exempt from the prohibition on receiving the name or address of a vehicle owner, may share this information if there is a reasonable suspicion of serious threat to person or property in relation to any person's operation of a motor vehicle or public safety.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect on September 13, 1997.

**Testimony For:** This bill is necessary to implement the federal Driver's Privacy Protection Act. Failure to comply could result in fines of up to \$5,000 per day. Additionally, it could subject DOL to civil lawsuits from individuals. SB 5718 promotes uniformity by treating both driver and vehicle records in the same manner.

**Testimony Against:** This bill does not go far enough; it gives a false sense of security. The Code of Fair Information Practices provides that information collected for one purpose should not be used for other purposes. This bill is contrary to the principles enumerated in the code. A media exemption is necessary to allow reporting that contributes to the public safety; for example, stores that report the driving under the influence convictions of bus drivers.

**Testified:** PRO: Senator Wood, prime sponsor; Judith Giniger, DOL; CON: Janeane Dubuar, Computer Professionals for Social Responsibility; Rowland Thompson, Allied Daily Newspapers.