CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 110(STA) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 4/18/96
Offered: 3/18/96

Sponsor(s): REPRESENTATIVES BARNES, Green, B.Davis

A BILL

FOR AN ACT ENTITLED

"An Act relating to the confidentiality of certain information in motor vehicle records."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 28.10 is amended by adding a new section to read:

Sec. 28.10.505. DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN MOTOR VEHICLE RECORDS. (a) Notwithstanding AS 44.99.300 and except as provided in this section, the department may not disclose personal information contained in motor vehicle records maintained by the department under this chapter.

(b) Personal information shall be disclosed for use in connection with matters of motor vehicle or driver safety or theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers as required by federal law.
(c) Personal information may be disclosed if the requesting person demonstrates, in a form and manner the department prescribes, that the requesting person has obtained the written consent of the person who is the subject of the information.

(d) Personal information may be disclosed by the department upon proof of the identity of the person requesting a record and representation by the requesting person that the use of the personal information is strictly limited to one or more of the following uses:

1. for use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a private person or entity acting on behalf of a government agency in carrying out its functions;

2. for use in the normal course of business by a legitimate business or an agent, employee, or contractor of the business, but only

   (A) to verify the accuracy of personal information submitted by an individual to the business or an agent, employee, or contractor of the business; and

   (B) if the information submitted is not 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, an individual;

3. for use in connection with a civil, criminal, administrative, or arbitration proceeding in a court or government agency or before a self-regulatory body, including service of process and the execution or enforcement of a judgment or court order;

4. for use in research activities, or in producing statistical reports, if the personal information is not published, redisclosed, or used to contact an individual;

5. for use by an insurer or insurance support organization, or by a self-insured entity, or an agent, employee, or contractor of an insurer, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;

6. for use in providing notice to the owners of towed or impounded vehicles;
(7) for use by an employer or an agent or insurer of an employer to obtain or verify information relating to a holder of a commercial driver’s license that is required under 49 U.S.C. 31101 - 31162 (Commercial Motor Vehicle Safety Act);

(8) for use in connection with the operation of private toll transportation facilities;

(9) for use in connection with a legitimate business operating under a contract with the department;

(10) for bulk distribution for surveys, marketing, or solicitations if the department has implemented methods and procedures to ensure that

(A) persons are provided an opportunity, in a clear and conspicuous manner, to prohibit uses; and

(B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that the material not be mailed to them; and

(10) for any other purpose specifically authorized by law that is related to the operation of a motor vehicle or related to public safety.

(e) Personal information contained in an individual record may be disclosed, without regard to the intended use of the personal information, if the department provides in a clear and conspicuous manner on forms for issuance or renewal of registrations, titles, or identification documents notice that personal information collected by the department may be disclosed to a person making a request for an individual record, and has provided in a clear and conspicuous manner on the forms an opportunity for a person who is the subject of a record to prohibit disclosure.

(f) In this section,

(1) "disclose" means to engage in a practice or conduct that makes available or makes known personal information contained in records of the department about a person to another person, organization, or entity by any means of communication;

(2) "individual record" means a record containing personal information about a designated person who is the subject of the record, as identified in a request.
for information;

(3) "personal information" means information that identifies a person, including a name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving- or equipment-related violations, driver's license or registration status, or a zip code.