

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/18/96
Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the confidentiality of certain information in motor vehicle
2 records; and providing for an effective date."

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

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

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

10 (b) Personal information shall be disclosed for use in connection with matters
11 of motor vehicle or driver safety or theft; motor vehicle emissions; motor vehicle
12 product alterations, recalls, or advisories; performance monitoring of motor vehicles
13 and dealers by motor vehicle manufacturers; and removal of nonowner records from
14 the original owner records of motor vehicle manufacturers as required by federal law.

1 (c) Personal information may be disclosed if the requesting person
2 demonstrates, in a form and manner the department prescribes, that the requesting
3 person has obtained the written consent of the person who is the subject of the
4 information.

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

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

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

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

17 (B) if the information submitted is not correct, to obtain the
18 correct information, but only for the purposes of preventing fraud by pursuing
19 legal remedies against, or recovering on a debt or security interest against, an
20 individual;

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

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

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

30 (6) for use in providing notice to the owners of towed or impounded
31 vehicles;

1 (7) for use by an employer or an agent or insurer of an employer to
2 obtain or verify information relating to a holder of a commercial driver's license that
3 is required under 49 U.S.C. 31101 - 31162 (Commercial Motor Vehicle Safety Act);

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

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

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

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

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

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

23 (f) In this section,

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

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

31 (3) "personal information" means information that identifies a person,

1 including a name, address, telephone number, and medical or disability information,
2 but does not include information on vehicular accidents, driving- or equipment-related
3 violations, driver's license or registration status, or a zip code.

4 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).