



# LAWS OF ALASKA

1996

**Source**

CSSSHB 110(STA) am

**Chapter No.**

67

**AN ACT**

Relating to the confidentiality of certain information in motor vehicle records.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 18, 1996

**Actual Effective Date:** September 16, 1996

AN ACT

1 Relating to the confidentiality of certain information in motor vehicle records.

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

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

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

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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 use in connection with a legitimate business operating under a  
7 contract with the department;

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

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

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

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

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

25 (f) In this section,

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

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

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1 for information;

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