

SENATE BILL NO. 232

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/1/00

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring written consent by the person who is the subject of the
2 information before releasing personal information contained in motor vehicle
3 records, to comply with 18 U.S.C. 2721; and providing for an effective date."

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

5 * **Section 1.** AS 28.10.505(d) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

26 (10) for bulk distribution for surveys, marketing, or solicitations if the
27 **person who is the subject of the information has provided written consent to the**
28 **release** [DEPARTMENT HAS IMPLEMENTED METHODS AND PROCEDURES
29 TO ENSURE THAT

30 (A) PERSONS THAT ARE PROVIDED AN OPPORTUNITY,
31 IN A CLEAR AND CONSPICUOUS MANNER, TO PROHIBIT USES; AND

1 (B) THE INFORMATION WILL BE USED, RENTED, OR
2 SOLD SOLELY FOR BULK DISTRIBUTION FOR SURVEYS,
3 MARKETING, AND SOLICITATIONS, AND THAT SURVEYS,
4 MARKETING, AND SOLICITATIONS WILL NOT BE DIRECTED AT
5 THOSE INDIVIDUALS WHO HAVE REQUESTED IN TIMELY FASHION
6 THAT THE MATERIAL NOT BE MAILED TO THEM]; and

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

9 * **Sec. 2.** AS 28.10.505(e) is amended to read:

10 (e) Personal information contained in an individual record may be disclosed,
11 without regard to the intended use of the personal information, if the **person who is**
12 **the subject of the information has provided written consent to the release**
13 [DEPARTMENT PROVIDES IN A CLEAR AND CONSPICUOUS MANNER ON
14 FORMS FOR ISSUANCE OR RENEWAL OF REGISTRATIONS, TITLES, OR
15 IDENTIFICATION DOCUMENTS NOTICE THAT PERSONAL INFORMATION
16 COLLECTED BY THE DEPARTMENT MAY BE DISCLOSED TO A PERSON
17 MAKING A REQUEST FOR AN INDIVIDUAL RECORD, AND HAS PROVIDED
18 IN A CLEAR AND CONSPICUOUS MANNER ON THE FORMS AN
19 OPPORTUNITY FOR A PERSON WHO IS THE SUBJECT OF A RECORD TO
20 PROHIBIT DISCLOSURE].

21 * **Sec. 3.** This Act takes effect June 1, 2000.