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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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POUCH 7 - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3000

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space, copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary
" " "

5/10/86

5/10/86

8:00 AM

2:00 PM

HOUSE

COMMITTEE REPORT

(7)

Date referred: 4/18/86

FURTHER REFERRALS: FINANCE

DATE: _____

The JUDICIARY Committee has considered CSSB 275 (Fin) am
"An Act relating to release of motor vehicle records."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCSCSSB 275 (JUD) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

 Chairman

Original sponsors: Faiks and V.Fischer

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 275 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to release of motor vehicle re-
7 cords."

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

9 * Section 1. AS 28.05.061(c) is repealed and reenacted to read:

10 (c) The department shall, upon request, subject to the appli-
11 cable provisions of AS 12.62, furnish a municipal, state, or federal
12 administrative or judicial agency with records on file under this
13 section. The department may not charge a fee for records furnished
14 under this subsection.

15 * Sec. 2. AS 28.05.061 is amended by adding new subsections to read:

16 (d) The department shall, upon written request and payment of a
17 fee sufficient to cover the cost of processing the request, furnish a
18 certified copy of a record on file under this section to

19 (1) the vehicle owner, license holder, or driver named in
20 the record;

21 (2) a person who provides on a form furnished by the com-
22 missioner the written authorization of the vehicle owner, license
23 holder, or driver named in the record;

24 (3) a person or business identified as holding a lien or
25 encumbrance against the vehicle named in the record;

26 (4) a person engaged in performing recall verification
27 programs for repair or modification of motor vehicles by vehicle and
28 equipment manufacturers;

29 (5) a person compiling and publishing motor vehicle

1 statistics, or engaged in marketing research for motor vehicle man-
2 ufacturers, provided that the statistics and research do not result in
3 disclosure of the names and addresses of individuals; or

4 (6) an attorney licensed to practice law in the state, or
5 the attorney's legal designee, provided data being obtained is
6 relevant to pending or potential court proceedings.

7 (e) The department shall maintain for one year the name and
8 address of a business or person that receives a copy of a record under
9 (d), (3) - (6) of this section and release the name and address, upon
10 request, to the person named in the record.

11 (f) The department shall provide written notice at the time of
12 application for motor vehicle registration

13 (1) that information concerning an applicant that is on
14 file with the department may be released to certain persons outside
15 the department as provided in (d) of this section; and

16 (2) that the name and address of a business or person that
17 obtains information from a department record will be released upon
18 request to the person named in the record.

19 (g) In complying with a request under (c) or (d) of this sec-
20 tion, the department may not release social security numbers that
21 might be contained in the records. Except as otherwise provided in
22 this section, records maintained under this section are confidential
23 and private.

Ford
5/10/86

Original sponsors: Faiks and V.Fischer

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 275 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

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18 certified copy of a record on file under this section to

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20 the record;

21 (2) a person who provides on a form furnished by the com-
22 missioner the written authorization of the vehicle owner, license
23 holder, or driver named in the record;

24 (3) a person or business identified as holding a lien or
25 encumbrance against the vehicle named in the record;

26 (4) a person engaged in performing recall verification
27 programs for repair or modification of motor vehicles by vehicle and
28 tire manufacturers; or

29 (5) a person compiling and publishing motor vehicle

1 statistics, or engaged in marketing research for motor vehicle man-
2 ufacturers, provided that the statistics and research do not result in
3 disclosure of the names and addresses of individuals.

4 (e) The department shall maintain for one year the name and
5 address of a business or person that receives a copy of a record under
6 (d)(3) - (5) of this section and release the name and address, upon
7 request, to the person named in the record.

8 (f) The department shall provide written notice at the time of
9 application for motor vehicle registration

10 (1) that information concerning an applicant that is on
11 file with the department may be released to certain persons outside
12 the department as provided in (d) of this section; and

13 (2) that the name and address of a business or person that
14 obtains information from a department record will be released upon
15 request to the person named in the record.

16 (g) In complying with a request under (c) or (d) of this sec-
17 tion, the department may not release social security numbers that
18 might be contained in the records. Except as otherwise provided in
19 this section, records maintained under this section are confidential
20 and private.

Ford
4/16/86

Original sponsors: Faiks and V.Fischer

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 275 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to release of motor vehicle re-
7 cords."

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

9 * Section 1. PURPOSE. The legislature believes that the need of the
10 public to have information concerning motor vehicle records should be
11 balanced against the individual's right of privacy. This Act is intended
12 to provide information to those persons or government agencies who legiti-
13 mately need to have access to the information, while ensuring that the
14 right of the individual regarding confidentiality and privacy of motor
15 vehicle records is respected.

16 * Sec 2. AS 28.05.061(c) is repealed and reenacted to read:

17 (c) The department shall, upon request, subject to the appli-
18 cable provisions of AS 12.62, furnish a municipal, state, or federal
19 administrative or judicial agency with records on file under this
20 section. The department may not charge a fee for records furnished
21 under this subsection.

22 * Sec. 3. AS 28.05.061 is amended by adding new subsections to read:

23 (d) The department shall, upon written request and payment of a
24 fee sufficient to cover the cost of processing the request, furnish a
25 certified copy of a record on file under this section to

26 (1) the vehicle owner, license holder, or driver named in
27 the record;

28 (2) a person who provides on a form furnished by the

1 holder, or driver named in the record;

2 (3) a private investigator licensed and bonded as required
3 by the state;

4 (4) an attorney licensed to practice law in the state, or
5 the attorney's legal designee, provided data being obtained is rele-
6 vant to pending or potential court proceedings;

7 (5) an officer or employee of a financial institution
8 licensed to do business in the state;

9 (6) a vehicle dealership, that is registered with the state
10 Department of Public Safety, division of motor vehicles;

11 (7) a person engaged in performing recall verification
12 programs for repair or modification of motor vehicles by vehicle and
13 tire manufacturers;

14 (8) a person compiling and publishing motor vehicle statis-
15 tics, or engaged in marketing research for motor vehicle manufactur-
16 ers, provided that the statistics and research do not result in dis-
17 closure of the names and addresses of individuals; or

18 (9) a business or person as determined by the commissioner
19 by regulation to have a legitimate need for receiving a copy of the
20 record requested.

21 (e) The department shall maintain for one year the name and
22 address of a business or person that receives a copy of a record under
23 (d)(3) - (9) of this section and release the name and address, upon
24 request, to the person named in the record.

25 (f) The department shall provide written notice at the time of
26 application for motor vehicle registration

27 (1) that information concerning an applicant that is on
28 file with the department may be released to persons outside the

1 (2) that the name and address of a business or person that
2 obtains information from a department record will be released upon
3 request to the person named in the record.

4 (g) Except as otherwise provided in this section, records main-
5 tained under this section are confidential and private.
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STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 275 (Finance)am
 Title : An Act relating to release of
motor vehicle records.

Sponsor : Faiks
 Requestor : House State Affairs
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Motor Vehicles

Components : Vehicle Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		30.8	32.3	33.9	35.6	37.4
TRAVEL						
CONTRACTUAL		19.5	17.9	18.8	19.7	20.7
SUPPLIES		.2	.2	.2	.3	.3
EQUIPMENT		15.1				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		66.6	50.4	52.9	55.6	58.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		66.6	50.4	52.9	55.6	58.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

- NOTE: 1. Assume effective date of July 1, 1986
 2. Costs in future years reflect 5% inflation rate.
 3. Data line installation FY87 only.
 4. Advertising for regulations FY87 only.

Prepared by : John H. Lucking Phone : 269-5551
 Division : Motor Vehicles Date : 2-4-86

Approved by Commissioner : [Signature] Date : 2/12/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 275 (Finance)am

100	Personal Services		
	1 MVR II, Range 9	30.8	30.8
300	Contractual		
	310 Telephone and tolls	2.0	
	Postage	1.5	
	320 Forms	10.0	
	Advertising (Regulations)	1.0	
	382a DP line charges	2.0	
	CRT/Controller/Printer		
	maintenance	1.5	
	Data Line installation	1.5	19.5
400	Commodities		
	Normal Office Supplies	.2	.2
500	Equipment		
	1 chair	.3	
	1 desk	.5	
	1 calculator	.3	
	1 CRT	3.8	
	1 typewriter	.9	
	1 controller	5.8	
	1 printer	4.5	<u>16.1</u>
		TOTAL	66.6

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - HCS CS SB 275(SA)

Neutral

April 25, 1986

HCS CS SB 275(SA): An Act relating to the release of motor vehicle records.

The committee substitutes have addressed the concern the department had with the original bill in regard to releasing data to those with a legitimate need.

Due to the FY83 elimination of a research position in the Anchorage office, microfiche was made available to allow individuals in Anchorage to research the vehicle registration records themselves. In other areas of the State, DMV employees do the research to respond to inquiries. This legislation will require the department to set stricter guidelines concerning access to registration information. This will eliminate the opportunity for open individual research. Therefore, one motor vehicle representative position will be necessary in Anchorage to screen requests, determine eligibility, and perform the record search when necessary.


ROBERT J. SUNDBERG
Commissioner

HOUSE
COMMITTEE REPORT

JUDICIARY

(7)
Date referred: 2/3/86

FURTHER REFERRALS: FINANCE

DATE: 4/16/86

The STATE AFFAIRS Committee has considered CSSB 275(Fin)am

"An Act relating to release of motor vehicle records."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS SB 275(SA)
 - same title
 - new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note suppl #119
 - zero fiscal note

SIGNING DO PASS:

Katie Hurley
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

SIGNING OTHER RECOMMENDATIONS:

~~[Signature]~~
Bette [Signature] No Rec

Katie Hurley
 Chairman

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99801
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 16, 1986

SUBJECT: Motor Vehicle Records
(HCS CSSB 275(State Affairs))

TO: Representative Katie Hurley

FROM: Michael F. Ford *M.F.*
Legislative Counsel

There is a problem within HCS CSSB 275(State Affairs) that I wanted to bring to your attention. In paragraph (d)(4) of section 3, motor vehicle records may be released if the data is "relevant to pending or potential court" proceedings. I believe this language does not create a standard that the department could apply in determining whether to release or withhold records. I suggest either that the portion of the paragraph after "designee," be deleted, or that the paragraph simply require that the information provided be required for the attorney's law practice.

MFF:mkr
m4/125

Enclosure

A M E N D M E N T

#1

Offered in the HOUSE

By Hurley

TO: CSSB 275(Fin) am

Page 2, line 1, following "record;", delete "or"

Page 2, after line 1, insert the following new paragraphs:

"(3) a person engaged in performing recall verification programs for repair or modification of motor vehicles by vehicle and tire manufacturers;

(4) a person compiling and publishing motor vehicle statistics, or engaged in marketing research for motor vehicle manufacturers, provided that the statistics and research do not result in disclosure of the names and addresses of individuals; or"

Renumber remaining paragraph.

Page 2, line 7, delete "(d)(3)" and insert "(d)(3) - (5)"

A M E N D M E N T

#2

Offered in the HOUSE

By Hurley

TO: CSSB 275(Fin) am

Page 2, line 1, following "record;", delete "or"

Page 2, after line 4, insert the following new paragraphs:

"(4) a private investigator licensed and bonded by the state;

(5) an attorney licensed to practice law in the state; or

(6) an officer or employee of a bank, finance company, or vehicle dealership that is registered with the state Department of Commerce, division of banking, securities and corporations."

Page 2, line 7, delete "(d)(3)" and insert "(d)(3) - (6)"

Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE
907-465-3740



JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU ALASKA 99811

Senate

April 8, 1986

MEMORANDUM

TO: Representative Katie Murley
House State Affairs Committee

FROM: Senator Jan Faiks

SUBJECT: Background on CS for Senate Bill 275 (Finance)
am, an Act relating to release of motor vehicle
records

In March of last year, an Anchorage man was indicted for attempted murder after firing eight shots at a stranger he thought was harassing him. Among his possessions, the Troopers found a list of the names and addresses of 600 Anchorage residents whom he thought were bothering him and a map with X's marked on their homes. The assailant had received this information from the Division of Motor Vehicles by merely providing a license plate number and paying a \$2.00 fee for each number.

At that time, any person could be given access to the microfiche records of the Division merely by asking. Sometimes the \$2.00 fee was collected; sometimes it was not.

There is no justifiable reason why this information should be available to the general public. Not only can it lead to an invasion of privacy of the vehicle owners, it could possibly result in liability for the state.

Senate Bill 275 will restrict access to this personal information. After the purpose of the bill is presented in Section 1, Section 2 says that Division records shall be furnished to government agencies without charge.

Section 3 says that upon request and payment of a fee sufficient to cover processing costs, the Division shall

OUT OF SESSION

1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611

furnish a copy of a drivers license or vehicle registration record to the owner or driver, or to a person who is specifically authorized by him to obtain the record. Any other person or business can obtain a copy of a record only if he can show a "legitimate need" for the same. The criteria for this need will be established by the Commissioner of Public Safety.

This section also requires that the Department maintain a record of persons who receive records under the "legitimate need" criterion. It requires the Department to release to the record owner the names and addresses of persons who receive copies of their records.

Finally, the bill requires that information concerning the release of records be included on applications for vehicle registration.

In summary, this bill will tighten up the present system so that it better protects public safety and the right of privacy. However, it does not prevent those persons who have a legitimate need from obtaining this information. I believe that the bill cannot be made any more permissive without returning us to the present free-for-all system.

Thank you.

March 12, 1986

The Honorable Katie Hurley
Chairman House State Affairs Committee
Pouch V
Juneau, Alaska 99811

MAR 17 1986

Dear Madam Chairman:

In support of Senate Bill 275, Limiting Release of Motor Vehicle Records to the General Public, I wish to make the following information a matter of record.

On March 11, 1986, my Credit Union was contacted by a representative of a bill collection agency in Anchorage requesting information on the status of my auto loan account for a sports car that I own. The company was attempting to drum-up business for their collection efforts by scouting Anchorage neighborhoods, locating cars that were parked with snow accumulation on them, taking the license numbers and obtaining vehicle owner information from the Department of Motor Vehicles. If the vehicles had a lien showing on the registration, the collectors called the lending institution to ascertain the current payment status in hopes of obtaining business from the lending institution for collection of delinquent loans.

The irony of this incident is that because of an overzealous collection agent, I have been subjected to extreme embarrassment and deprivation of my personal privacy through the release of personal information by the State Department of Motor Vehicles.

On the other side of the coin, if the inquirer had been a perverted criminal with an intent to do personal harm, all he or she would need is an auto license number to obtain the following information:

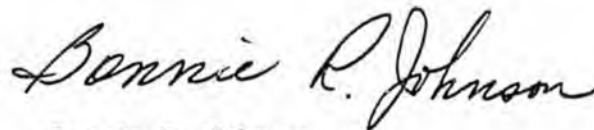
- a. My full name and mailing address.
- b. My residential address.
- c. The banking institution with which I do business.

I am a single woman who maintains a home with a highschool age daughter. I must travel often in my work for overnight periods and although my daughter is old enough to stay alone overnight, I do not advertise my private living situation. I take great effort to conceal the fact that I am single by not listing my phone with a full name and address in an attempt to prevent harassment and an apparent vulnerability situation when I am away from home and my daughter is alone.

The release of private information from the State Department of Motor Vehicles must be stopped. Where there is a legitimate need to know, the police should be the only agency to obtain this information.

I request that the passage of Senate Bill 275 be processed as expeditiously as possible to protect the citizens of Alaska from similar and perhaps far more dangerous occurrences in the future.

Sincerely,



Bonnie R. Johnson
1717 Russian Jack Drive #1
Anchorage, Alaska 99508
Phone 337-8072
(Work 753-2837)

Same letter sent to:

Representative Mike Miller of Juneau
Chairman of the Judiciary Committee

Senator Vic Fischer

Senator Jan Faiks

Anchorage Better Business Bureau

Director, State Department of
Motor Vehicles, Anchorage

Attorney General
Consumer Protection Division



David George **DGA** & Associates, Inc.

DATA PROCESSING SERVICES

107 Municipal Way Bldg.
Juneau, Alaska 99801
(907) 586-2763

(907) 345-4788
Anchorage, Alaska

February 14, 1986

Representative Mike Navarre
Alaska State Legislature
Box V
Juneau, Alaska 99811

Dear Representative Navarre:

As I discussed with you the other day, we have some concerns regarding SB275 relating to release of motor vehicle records. The bill is intended to protect the information on individuals owning motor vehicles from being released to a party not having a legitimate need for that information.

DGA currently provides a microfiche listing of the entire file of records to insurance, credit, financial, legal and investigative entities, including the IRS, having a legitimate business need for the information. We do so under license with the Division of Motor Vehicles.

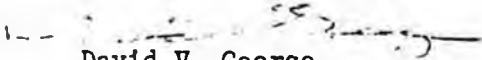
As we understand it, previous public testimony before various committees of the Senate brought about the inclusion of sub-section d.(3) of the bill. This was to provide the authority necessary to continue the microfiche process. However, we feel it is not as clear as it should be because it addresses legitimate business access to a record and not access to the entire file.

Accordingly, we feel that an additional clarification in the bill would be necessary and appropriate. We suggest the addition of sub-section (g) and changing (g) to (h) as follows:

(g) The department shall provide computer tapes to a qualified business for the purpose of creating computer output microfiche or other media of the complete file for direct resale to governmental business entities with a legitimate need for the information.

Thank you for your consideration of this matter. Should you feel it necessary for additional information, we would be most happy to respond.

Sincerely,


David V. George
President

DVG/bsm

F. Robert
bell
and **ASSOC.**

ENGINEERS and LAND SURVEYORS

3335 Arctic Boulevard, Anchorage, Alaska 99503
TELEPHONE (907) 561-5257, TELECOPIER (907) 563-6082
TELEX 90926 439 ALASKA SST AHG

MAR 11 1986

6 March 1986

Senator Mitch Abood
Alaska State Legislature
Fouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood:

Senate Bill No. 275, "An act relating to release of motor vehicle records," has recently come to my attention. While I sympathize with, and support, an individual's right to privacy, I must take exception to, and oppose, the current form of this bill.

Isolated instances of abuse by some with access to public information is not grounds for denying access to public information to those with legitimate and legal objectives. The highways are paid for with federal, state, and local government dollars. A registered vehicle and a driver's license are two requirements for the privilege of driving on these roads. That makes DMV information public just like property tax information - not private. Access to this information is absolutely necessary for those of us who extend credit or collect on unpaid bills and NSF checks.

Any amendment which would give collection agencies, credit bureaus, banks, credit unions, and state licensed businesses access to this information would be preferable to the present form of this bill. Passage of this bill as is, without amendments, will aid those who regularly attempt to avoid their financial commitments and seriously injure the business community.

Sincerely,

Katherine Costley
Katherine Costley
Controller

KC/hm

MA *225 mcp*
MA

Xerox: Messrs. Haas, Thornburgh, Peters, Calderwood, Maines, Finnegan,
Sabel, Albaugh, O'Hara, Fitz

AGREEMENT

THIS AGREEMENT, made and entered into this 24th day of October, 1985
between the STATE OF ALASKA, acting by and through the DIVISION OF MOTOR
VEHICLES, hereinafter referred to as the "DIVISION"; and R. L. POLK & CO.,
acting by and through its duly authorized representative, hereinafter referred
to as "POLK."

NOW, THEREFORE, it is agreed as follows:

1. The DIVISION shall furnish POLK a magnetic tape copy of all information, both title and registration data for all vehicle classes and all year models, contained on the DIVISION'S transaction tape on a time schedule as mutually agreed by the DIVISION and POLK. The method of selection for the above transactions will be based upon a selectivity criteria from POLK, determined from a listing as supplied from the DIVISION on an upated basis, as to registration and title categories and transaction codes within this file.
2. This Agreement provides for the sale of records at the rate of Fifteen Dollars (\$15.00) per thousand records, with the DIVISION reviewing the cost for such records on a schedule as determined by the DIVISION.
3. POLK agrees that, on its own behalf, and on behalf of any vendors, licensees, or other persons to whom it may provide any registrations or titles of Alaska motor vehicles, that the only use which shall be made of such registration and title information shall be for the following purposes:
 - (a) In compiling geographical statistics in which the names and addresses of individuals will not appear in any report published by POLK, and;
 - (b) In recall notification programs which may include any consumer-oriented notification program by vehicle manufacturers to apprise owners of any existing or potential problems with their vehicles.
4. Without limiting the generality of the provisions of Section 3, POLK expressly agrees not to use or permit others to use any registration or title information for the solicitation of persons for the purpose of selling or attempting to sell any product or service, or for any use other than that set forth in said Section.
5. In connection with the DIVISION'S performance under this Agreement, POLK will furnish the magnetic tape required for the production of the information provided in Section 1, with such tape meeting or exceeding the DIVISION'S requirements for tape copying. POLK will assume all costs in connection with the transportation of such tapes to and from the DIVISION to POLK'S place of business.
6. POLK further agrees that:
 - (a) It will not assign this Agreement or any interest therein without the previous consent in writing of the DIVISION;

AUG 13 1985

- (b) Furnish a Surety Bond, in the amount of \$15,000, executed by a surety company licensed to do business in the State of Alaska.
- (c) The Director may, after hearing and good cause shown, suspend this Agreement for the balance of its term in the event of a material violation hereof. In such case, the parties agree that the liquidated damages to the rights of individuals whose right to privacy may thereby be violated shall be limited to the amount set forth in paragraph b.

7. The DIVISION and POLK mutually agree:

- (a) The terms of this Agreement shall be governed and construed according to the laws of the State of Alaska.
- (b) That the DIVISION shall not be responsible for omissions or errors in the copies furnished.
- (c) This Agreement also reflects a compromise of asserted rights of the parties to receive and withhold the information referred to herein. POLK agrees that it shall not assert any right to such information, except a right arising under this Agreement, in any court or other tribunal having jurisdiction of such matter.

This Agreement shall remain in effect until cancelled by either party upon sixty (60) days prior written notice of the other party. This Agreement may be revised or amended by supplemental written addendum executed by mutual consent of the parties hereto:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly signed and sealed the day and the year first above written.

STATE OF ALASKA

BY: John Lucking DATE: 8-5-85
 John Lucking, Director
 Division of Motor Vehicles

BY: Delores Johnson My Commission Expires
 December 12, 1988
 Notary for the State of Alaska

R. L. POLK & CO.
 BY: John P. Heil DATE: July 30, 1985
 John P. Heil
 Vice President-General Manager
 Motor Vehicle Registrations Division

KING INVESTIGATIONS

P.O. BOX 10-0275
ANCHORAGE, ALASKA 99510
(907) 276-7803

March 5, 1986

Representative M. Mike Miller
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative:

I am writing to you regarding SB-275, An Act Relating to Release of Motor Vehicle Records which was introduced by Senator Faiks. The bill was read on 4-9-85, passed and transmitted to the House on 1-31-86.

It is my understanding that this Bill was introduced to prevent the unauthorized use of motor vehicle registration information for illegal or immoral purposes. Having served two years on the Anchorage Chamber of Commerce Crime Commission as Chairman of the Law Enforcement/Crime Committee, I support this type of legislation in concept. However, I would like to comment on a Section of the Bill which would cause undue hardship to persons in the business, legal, and private investigation businesses. Section 2 (3) states: "a business or person determined by the Commissioner (Public Safety) to have a legitimate need for receiving a copy of the record requested," shall upon written request and payment of a fee, receive a copy of a record on file under this section. It is my understanding that the Commissioner or Public Safety's position is that for him to render a determination of legitimate need under this section, he would be subjecting the Department to liability if the information was used for an illegal or immoral purpose. His position is that no information will therefore be released under this section.

I am enclosing a copy of a similar statute passed by the State of Arizona which was effective 7-25-81, and correspondence provided by the Arizona Department of Transportation, Arizona specifically exempted:

- (1) Licensed Private Investigators
- (2) Attorneys

King Investigations
March 5, 1986
Page -2-

(3) Officers, Managers or Presidents of a Banking Institution, Finance Company or Vehicle Dealership

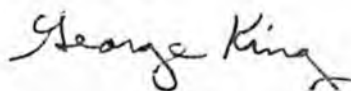
(4) Law Enforcement Officers

The need for this type of specific exemption is readily apparent for the above classes of persons in the conduct of their business or professions.

I would strongly urge that SB-275 be amended to include an exemption such as that in the Arizona Statute, thereby relieving the Commissioner of Public Safety of the responsibility for determining "Legitimate Need" under this bill.

Thank you for your consideration of this matter.

Sincerely,



GEORGE KING, Owner
King Investigations

GRK:EBB
enclosure



ARIZONA DEPARTMENT OF TRANSPORTATION

MOTOR VEHICLE DIVISION

1801 West Jefferson Street, Phoenix, Arizona 45007
MAILING ADDRESS: P.O. Box 2100, Phoenix, Arizona 85001

BRUCE BABBITT
Governor

WILLIAM A. ORDWAY
Director

PHILIP THORNEYCROFT
Assistant Director

TO ALL USERS OF MOTOR VEHICLE RECORDS:

Recent legislative action which becomes effective July 25, 1981, restricts access to public records. House Bill 2097 changes Arizona revised statute 28-210 to require the following:

28-210 E. A person requesting a copy of a public record designated in this section shall identify himself and state the reason for making the request. The Motor Vehicle Division shall verify the name and address of the person making the request by requiring the person to produce such information as the Motor Vehicle Division determines necessary to insure that the name and address of the person are the person's true name and address.

F. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE MOTOR VEHICLE DIVISION SHALL NOT:

1. DIVULGE ANY INFORMATION FROM A VEHICLE TITLE AND REGISTRATION RECORD UNLESS THE PERSON REQUESTING THE INFORMATION PROVIDES TO THE DIVISION THE FOLLOWING:

- a. THE NAME OF THE OWNER.
- b. THE VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE.
- c. THE VEHICLE LICENSE PLATE NUMBER ASSIGNED TO THE VEHICLE.

2. RELEASE A COPY OF A RECORD OR DIVULGE INFORMATION CONCERNING A PERSON'S DRIVING RECORD UNLESS THE PERSON REQUESTING THE DRIVING RECORD PROVIDES TO THE DIVISION ALL OF THE FOLLOWING:

- a. THE NAME OF THE LICENSEE.
- b. THE OPERATOR'S OR CHAUFFEUR'S LICENSE NUMBER OF THE LICENSEE OR A STATEMENT THAT THE LICENSE HAS BEEN SUSPENDED OR REVOKED.
- c. THE DATE OF BIRTH OF THE LICENSEE OR THE EXPIRATION DATE OF THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE LICENSEE.

In addition, all inquiries are required to be filed by the name of the person whose record was requested for a period of six (6) months. To facilitate this filing, all requests for information must be submitted one name to an inquiry form. A copy of this form is attached for you to generate copies for your use.

The search fee will remain the same:

\$2.00 per search for mail inquiries.

\$3.00 per search for "over the counter" inquiries.

\$5.00 for a certified copy

Only inquiries furnishing the information required by statute will be processed.



325 MVR records

Hrs: 2 to 5 36 AM

ARIZONA DEPARTMENT OF TRANSPORTATION, 1801 W. JEFFERSON
MOTOR VEHICLE DIVISION P.O. BOX 2107 PHOENIX, ARIZONA 85007
EFFECTIVE JULY 25, 1981

TO OBTAIN A MOTOR VEHICLE REPORT ON A VEHICLE, YOU MUST HAVE ALL OF THE FOLLOWING INFORMATION:

1. THE NAME OF THE OWNER.
2. THE VEHICLE IDENTIFICATION NUMBER.
3. THE ARIZONA LICENSE PLATE NUMBER OR TITLE NUMBER.

TO OBTAIN A MOTOR VEHICLE REPORT ON A DRIVER, YOU MUST HAVE ALL OF THE FOLLOWING INFORMATION:

1. THE FULL NAME OF THE DRIVER.
2. THE ARIZONA DRIVER LICENSE NUMBER OR A STATEMENT THAT THE LICENSE IS REVOKED OR SUSPENDED.
3. THE DATE OF BIRTH OF THE DRIVER OR THE EXPIRATION DATE OF THE LICENSE.

YOU ARE EXEMPT FROM THE ABOVE REQUIREMENTS, IF YOU QUALIFY AS ONE OF THE FOLLOWING:

1. PRIVATE INVESTIGATOR, LICENSED BY THE ARIZONA DEPARTMENT OF PUBLIC SAFETY.
2. ATTORNEY, REGISTERED WITH THE ARIZONA STATE BAR ASSOCIATION, AND DATA BEING OBTAINED IS RELEVANT TO COURT PROCEEDINGS.
3. DESIGNATED OFFICER, MANAGER OR PRESIDENT OF A BANKING INSTITUTION, FINANCE COMPANY OR VEHICLE DEALERSHIP, THAT IS REGISTERED WITH THE ARIZONA BANKING DEPARTMENT.
4. AN ARIZONA LAW ENFORCEMENT OFFICER.

C. The department shall not make any charge for any copies of records, or for information furnished from its records, to the state or any of its departments, agencies or political subdivisions, any court, or the federal government or any of its agencies.

D. This section shall not apply to information required by law to be kept confidential nor to statistical information, the purpose of which relates to traffic accidents, traffic offenses or traffic enforcement.

28-210. Public records; fees; Identification of requestor; supplying information by mail; prescribing conditions for divulging certain information; records custodians; certification of records

A. Any application for a license, permit, title or registration made to the motor vehicle division, along with any document required by law or by the motor vehicle division to accompany such application, shall be a public record.

B. If the motor vehicle division or department is required or authorized to revoke, suspend or cancel any operator's or chauffeur's license or to suspend vehicle registrations pursuant to chapter 7 of this title, it shall notify the holder by a notice in writing which shall include a citation to the statute, rule or regulation under which such action is authorized or required. A copy of such notice shall be retained by the motor vehicle division or department and such copy shall be a public record. Such copy shall also contain a certification that the original notice was mailed by registered mail with instruction to deliver to addressee only and the date of mailing the notice. If such copy is addressed to a licensee at the address last shown on the motor vehicle division's records, as evidenced by the person's operator or chauffeur license application or subsequent written notification by such person of a different address, and a certified copy of the notice of revocation, suspension or cancellation is accompanied by a records custodian's statement that the original notice had not been returned to the motor vehicle division or department, it shall be presumed unless otherwise shown by clear and convincing evidence that the person to whom the notice was addressed received the original notice.

C. The motor vehicle division may place such notes, date stamps, identifying numbers or other information on any application, record of conviction or other record as is necessary to insure the accuracy of such record and to expedite its handling. Such information shall not affect the validity of any record, except such markings shall not be considered a part of the record for evidentiary purposes unless proven accurate by other records of the department or other competent evidence.

D. Certified copies of public records designated in this section shall be furnished to any person upon payment of a fee of five dollars. A fee shall not be charged for certified copies furnished to the state or any of its departments, agencies or political subdivisions, any court, or the federal government or any of its agencies.

E. A person requesting a copy of or information from a public record designated in this section shall identify himself and state the reason for making the request. The motor vehicle division shall verify the name and address of the person making the request by requiring the person to produce such information as the motor vehicle division determines necessary to insure that the name and address of the person are the person's true name and address.

F. Notwithstanding subsection A of this section, the motor vehicle division shall not:

1. Divulge any information from a vehicle title or registration record unless the person requesting the information provides to the division the following:

- (a) The name of the owner.
- (b) The vehicle identification number of the vehicle.
- (c) The vehicle license plate number assigned to the vehicle.

2. Release a copy of a record or divulge information concerning a person's driving record unless the person requesting the driving record provides to the division all of the following:

- (a) The name of the licensee.
- (b) The operator's or chauffeur's license number of the licensee or a statement that the license has been suspended or revoked.
- (c) The date of birth of the licensee or the expiration date of the operator's or chauffeur's license of the licensee.

G. The procedures required by subsections E and F of this section do not apply to:

- 1. This state or any of its departments, agencies or political subdivisions.
- 2. Any court.
- 3. A law enforcement officer.
- 4. A licensed private investigator.
- 5. Financial institutions and enterprises under the jurisdiction of the state banking department or a federal monetary authority.
- 6. The federal government or any of its agencies.
- 7. Any attorney admitted to practice in this state who alleges that the information is relevant to any pending or potential court proceeding.

8. A motor vehicle dealer which is licensed and bonded by the department.

H. The motor vehicle division may supply the requested information by mail.

I. The assistant director for the motor vehicle division may designate as custodian of the division's public records so many employees of the division as he deems necessary. When a public record of the department has been certified by a records custodian and authenticated as required under proof of records (records of public officials), rules of civil procedure and the rules of evidence for courts in this state, it shall be admissible in evidence without further foundation.

J. Notwithstanding subsection F of this section, information may be supplied for commercial purposes, as defined in section 39-121.03, if the information is transmitted in a machine readable form such as computer magnetic tape to the person making the request.

K. The division shall maintain for a period of at least six months a file of requests for information, other than those from governmental agencies exempted in subsection G of this section and commercial inquirers exempted in subsection J of this section. The file shall be maintained by the name of the person whose record was requested.

28-211. Filing, compiling and indexing records; preservation of applications and records

A. Whenever in this title an application or record is required to be filed, an index maintained or a record compiled, the director may, by rule, provide that such filing, indexing or compilation be accomplished by use of a computer so that on inquiry to the computer it will be capable of disclosing and reproducing all information required by law. Signatures on applications or records need not be stored.

B. When the director adopts rules pursuant to subsection A, the former requirement of filing, compiling or indexing need no longer be complied with, except as provided in subsection A of this section, but the applications or records from which the information was obtained shall be preserved so long as required by law or until a new application is filed by an applicant or a new record is received and the application or record is no longer needed to carry out the provisions of this title.

28-212. Surety bond; determination of amount

A. The director may authorize any person who is required to pay a fee to the motor vehicle division pursuant to this article to file with the assistant director for the motor vehicle division a bond, on a form approved by the director, with a surety company authorized by the corporation commission to transact business in this state as a surety. The person shall be the principal obligor and the state shall be the obligee on the bond, which shall be conditioned upon the payment by the person to the

March 12, 1986

Representative Mike Miller of Juneau
Chairman of the Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

In support of Senate Bill 275, Limiting Release of Motor Vehicle Records to the General Public, I wish to make the following information a matter of record.

On March 11, 1986, my Credit Union was contacted by a representative of a bill collection agency in Anchorage requesting information on the status of my auto loan account for a sports car that I own. The company was attempting to drum-up business for their collection efforts by scouting Anchorage neighborhoods, locating cars that were parked with snow accumulation on them, taking the license numbers and obtaining vehicle owner information from the Department of Motor Vehicles. If the vehicles had a lien showing on the registration, the collectors called the lending institution to ascertain the current payment status in hopes of obtaining business from the lending institution for collection of delinquent loans.

The irony of this incident is that because of an overzealous collection agent, I have been subjected to extreme embarrassment and deprivation of my personal privacy through the release of personal information by the State Department of Motor Vehicles.

On the other side of the coin, if the inquirer had been a perverted criminal with an intent to do personal harm, all he or she would need is an auto license number to obtain the following information:


- a. My full name and mailing address.
- b. My residential address.
- c. The banking institution with which I do business.

I am a single woman who maintains a home with a highschool age daughter. I must travel often in my work for overnight periods and although my daughter is old enough to stay alone overnight, I do not advertise my private living situation. I take great effort to conceal the fact that I am single by not listing my phone with a full name and address in an attempt to prevent harassment and an apparent vulnerability situation when I am away from home and my daughter is alone.

The release of private information from the State Department of Motor Vehicles must be stopped. Where there is a legitimate need to know, the police should be the only agency to obtain this information.

I request that the passage of Senate Bill 275 be processed as expeditiously as possible to protect the citizens of Alaska from similar and perhaps far more dangerous occurrences in the future.

Sincerely,



Bonnie R. Johnson
1717 Russian Jack Drive #1
Anchorage, Alaska 99508
Phone 337-8072
(Work 753-2837)

Same letter sent to:

The Honorable Katie Hurley
Chairman House State Affairs Committee

Senator Vic Fischer

Senator Jan Faiks

Anchorage Better Business Bureau

Director, State Department of
Motor Vehicles, Anchorage

Attorney General
Consumer Protection Division

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 275
 Title: "An Act relating to release of motor vehicle records"
 Sponsor: Faiks/V. Fischer
 Requestor: S. State Affairs
 Date of Request: 4/17/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		29.4	30.9	32.4	34.0	35.7
200 TRAVEL						
300 CONTRACTUAL		18.5	17.9	18.8	19.7	20.7
400 SUPPLIES		.2	.2	.2	.3	.3
500 EQUIPMENT		16.1				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		64.2	49.0	51.4		56.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		64.2	49.0	51.4	54.0	56.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NOTE: 1. Costs in future years reflects 5% inflation rate.
 2. Equipment charge in FY86 only Data Line installation FY86 only
 (see attached page)

Prepared By: John H. Lucking Phone: 269-5551
 Division: Motor Vehicles Date: 4/16/85

Approved by Commissioner: Robert J. Sundberg Date: 4/17/85
 Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Motor Vehicles
7/1/84

100 Personal Services

Anchorage

1 MVR II, Range 9 29.4

TOTAL PERSONAL SERVICES 29.4

200 Travel

(No Travel Requirements Anticipated)

300 Contractual

310 Telephone and Tolls 2.0

Postage 1.5

3.5

320 Request Forms 10.0

10.0

382a DP Line Charges 2.0

CRT/Controller/Printer

Maintenance 1.5

Data Line installation 1.5

5.0

TOTAL CONTRACTUAL SERVICES 18.5

400 Commodities

480 Normal Office Supplies .2

TOTAL COMMODITIES .2

500 Equipment

1 Chair .3

1 Desk .5

1 Calculator .3

1 CRT 3.8

1 Typewriter .9

1 Controller 5.8

1 Printer 4.5

TOTAL EQUIPMENT 16.1

TOTAL FY-86 REQUEST

64.2

1.	POSITION TITLE Motor Vehicle Representative II			RANGE/STEP 9/B	BARG. UNIT GGU	PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary								
6.	Benefits								
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES		01	29.4					
10.	Travel			02					
11.	Contractual			03	18.5				
12.	Commodities			04	2				
13.	Equipment			05	16.1				
14.	Other								
15.	TOTAL COST			64.2					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		64.2					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR BSM USE ONLY									
KEY NUMBER _____									

This position is required to deal with the additional activity resulting from passage of this bill.

Due to the FY 83 elimination of a research position in the Anchorage office, microfiche was made available at the office for individuals to research and find their own information. With passage of this bill, anyone requesting vehicle information will have to be screened to verify eligibility. If the requestor is eligible, they will be provided with the necessary data.

This position will do the screening to determine eligibility, and perform the record search when necessary.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety

PROGRAM Life and Property Protection

BRU Motor Vehicles

COMPONENT Vehicle Services

FY 86

Page 1 of 1
Revised Date _____

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Senate Bill 275

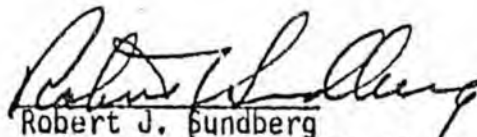
Senate Bill 275 "An Act relating to release of motor vehicle records."

While the bill appears workable there are additional needs to be addressed.

A contract currently exists with R.L. Polk Company, a national firm, to provide them with a complete motor vehicle record and monthly updates on magnetic tape. These records are used by them for research and vehicle safety matters, i.e. recalls of particular vehicles by manufacturers for defect corrections. Additionally, wrecker services dealing with vehicles whose owners are unknown through impounds obtain copies of microfiche which have the state's motor vehicle records. Another need not addressed is private enterprise acting as government agents through contracts to provide service to the state. These three are legitimate needs that need to be accommodated in legislation.

The bill would preclude certain persons now utilizing information from having access. These persons or organizations include private investigation agencies; collection agencies; private individuals wanting to identify trespassing vehicles on their property; automobile insurance industry; attorney services; and, surprisingly, private individuals who purchase cars and do not transfer appropriate paperwork, at some later time lose their paperwork and don't even know who they bought the car from.

In the absence of the now existing opportunity for individual research with DMV records, one motor vehicle representative position would be necessary to screen and accommodate requests for information.


Robert J. Sundberg
Commissioner 4-18-85