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COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/9/85

Date April 30 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 275
relating to release of motor vehicle records.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 275 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" ~~NEW~~ FISCAL NOTE
- reports it back without recommendation
- recommend referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edw De Vries

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bice / say No R.C.

[Signature]
Chairman

[Signature]
Chairman recommendation

Edwards
4/29/85 ✓

Original sponsors: Fa' and V.Fischer

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to release of motor vehicle
7 records."
8

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

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 AS 28.05.061(c) is repealed and reenacted to read:

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

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

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

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

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

25 (3) a business or person determined by the commissioner to
26 have a legitimate need for receiving a copy of the record requested.

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

1 (f) The department shall provide written notice on applications
2 for drivers' licenses and motor vehicle registration

3 (1) that information concerning an applicant that is on
4 file with the department may be released to persons outside the
5 department with a legitimate need for the information; and

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

9 (g) Except as otherwise provided in this section, records main-
10 tained under this section are confidential and private.
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ALASKA CREDIT UNION LEAGUE

2509 EIDE STREET, SUITE 4
ANCHORAGE, ALASKA 99503
(907) 278-4949

April 19, 1985

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

275

Dear Mitch:

The Alaska Credit Union League represents all of Alaska's credit unions and their 360,000 members. Our organization is concerned with the implications of SB 275 introduced April 9th. This bill, entitled "An Act relating to release of motor vehicle records" would have a severe impact on the credit unions and other financial institutions in Alaska.

We understand the intent of the legislation is to reduce the State's liability for access to Department of Motor Vehicles records by individuals who may not have reasonable use for this information. However, the language of the bill at the present time restricts access for use by a wide variety of institutions who do have legitimate need for this information. Particularly, credit unions use this information as an aid in locating individuals who are delinquent in paying their legal obligations, among other purposes.

~~We believe an additional subsection should be added to Section 2 (d) which states:~~

~~(4) a business or institution identified as having a legitimate purpose for locating the owner of the vehicle named in the record.~~

~~Thank you for your consideration of our request for amendment of this legislation. If we may provide additional information, or be of assistance, please give me a call.~~

Sincerely,

Nancy
Nancy B. Usera
President

jf

cc: Senate State Affairs Committee
ACUL GAC

RECEIVED
APR 22 1985



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	54.0	56.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		64.2	49.0	51.4	54.0	56.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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)

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	GOV.	APPROV.	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		<p>This position is required to deal with the additional activity resulting from passage of this bill.</p> <p>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.</p> <p>This position will do the screening to determine eligibility, and perform the record search when necessary.</p>				
	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 B&M USE ONLY										
KEY NUMBER _____										

**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

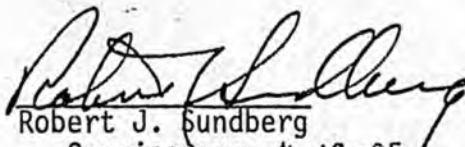
Senate Bill 275 "An Act relating to release of motor vehicle records."

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



Official Business

Alaska State Legislature

Senate Finance Committee

Pouch V
State Capitol
Juneau, Alaska 99811

April 11 , 1985

MEMORANDUM

TO: State Affairs Committee Members

FROM: Senator Jan Faiks *JF*

SUBJECT: Background on SB 275, an Act relating to the release of motor vehicle records.

In March of this 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.

Currently, any person can contact the Division with a license plate number and, after paying the \$2.00 fee, will be given the name and address of the registered owner of the vehicle.

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. It will authorize the Division to release records only to the vehicle owner, license holder, or driver, to a person who has the owner's authority, to a legitimate lienholder on the vehicle, or to a government agency.

Senator Vic Fischer brought this situation to my attention after one of his constituents notified him of the enclosed newspaper account. Together we ask that you act favorably on this bill before a comparable incident leads to a more serious ending.

Assault target on list

Names and maps
found in home

By LARRY CAMPBELL
and SHEILA TOOMEY
Daily News reporters

A Hillside man indicted Wednesday for attempted murder kept a list of approximately 600 Anchorage residents he believed were harassing him.

The alphabetized list was accompanied by a map with X's marking homes of those people, some of whom apparently never knew the accused assailant.

Carl R. Snyder, 39, was arrested by Alaska State Troopers on March 12 after allegedly firing at least eight shots at Kenneth Myers outside the victim's home. Myers was one of the people on the list.

Snyder was indicted Wednesday on a charge of attempted murder. He is presently being held at Cook Inlet Pre-trial Facility in lieu of \$500,000 bond.

Snyder, interviewed at the jail Thursday evening, said the list of names he'd gathered were not intended as a "hit list," but were of people he believed were sent by his ex-wife to harass him and his two sons shortly after the couple were divorced early last year. Snyder refused to identify his former wife.

The slight, soft-spoken Snyder said he was "stressed-out" the night of the shooting. In addition to a difficult divorce, he had lost his job and been forced to drop out of college, he said.

"The situation got away from me," he said. "Thank goodness nobody got hurt."

Snyder said the fact that he failed to "hit" Myers even though he was firing from about 25 feet away, leads him to believe that subconsciously he intended to miss.

List, maps in Hillside home

Continued from Page A-1

"Nobody could have bungled it that badly," he said.

Snyder said Myers was acquainted with his ex-wife and harassed Snyder "on her behalf." Snyder said that he had followed Myers several times prior to the night of the shooting and said Myers had also followed him on occasion.

Even though the two live in the same Hillside neighborhood, Myers insists he never knew either Snyder or the man's ex-wife. He also denied following Myers.

According to trooper reports, the assailant waited for Myers that Tuesday afternoon outside the victim's office at Surveyors Exchange on DeArmour Road and followed Myers home.

Myers pulled into his driveway followed by the assailant. Both men got out of their vehicles and the assailant immediately began firing at Myers with a handgun.

"He caught me totally by surprise," Myers said. "I never even knew this guy."

Myers escaped by dashing behind a snowbank and running to the back of his house while the assailant stopped to reload. After firing a few more shots at the house and windows, the suspect tried to back his car out of the driveway but got stuck in a ditch.

Snyder was trying to dig his station wagon free when troopers arrived and arrested him, they said.

Later that evening, authorities armed with a search warrant seized the lists, the map and other books about weapons and the CIA, according to Snyder's oldest son, Chris.

Troopers and prosecutors have declined to comment on the case.

The 15-year-old said he had helped his father compile the list. They began early last year, a few months after his stepmother had moved out, the youth said. Strangers in cars, sometimes with cameras and binoculars, roved the secluded street in front of their

home.

"We started taking down license numbers because we wanted to check these people out," the young Snyder said Thursday evening. "People were driving around the house, sometimes 12 or 15 times, and we just wanted to know who they were."

Armed with scribbled license plate numbers, Snyder or his son would go to the Department of Motor Vehicles office on Dowling Road and, for a \$2 fee, obtain the names and addresses of the registered owners of the cars.

"It got to where I was going there so much I got to know a couple of the women there," the youth said. "Sometimes, we'd compare them to names in the phone book. The list started getting bigger and bigger — kinda out of proportions."

Another man on the list was Larry Wilmarth, owner of the survey equipment supply company Myers works for.

"I'd like to know myself why I was on that list," Wilmarth said. "I don't think I've ever met the guy. There's another Wilmarth on the list, too, a distant relative of mine. But he's been dead 11 years now."

The name gathering ceased last summer, and so did the harassment, the youth said. But every so often, Snyder would spot news reports of drug arrests and find that names of those arrested on drug charges matched the names he and his son had gathered.

"We figured maybe we were on to something with these drug people," the younger Snyder said. "We had figured that my stepmom was involved with some of these people, and maybe they were worried that we knew something."

Myers and Wilmarth deny any involvement in drugs.

In fact, Myers added, a trooper checking out the names on Snyder's list jokingly said "I was one of the more boring people he'd ever investigated."

MAR 22 1985

ARIZONA LEGISLATIVE COUNCIL

SB 2151

APR 22 1985

MEMO

05991

December 1, 1980

FROM: Patricia Dilgard, Staff Attorney

RE: Driver License Information; Public Access (R-34-391)

We have written to the driver licensing authorities of the fifty states and asked them what their policy is regarding disclosure of licensees' addresses. The overwhelming majority provided this information with no or few restrictions.

Public Record

In many states such information is deemed to be a public record by statute. The Attorney General of South Carolina in an opinion sets forth his reasons for concluding that such information falls within the definition of public record. These reasons are:

1. The North Carolina statute, based on federal law, exempts from public record "information of a personal nature where public disclosure would constitute an unreasonable invasion of personal privacy."

2. Federal courts have construed the above phrase to mean information which consists of intimate details of a highly personalized nature. One's name and address are not considered intimate details as they are easily obtainable through alternative sources.

3. Other federal courts have used a balancing test in determining whether such information should be disclosed, balancing the individual's interest in having the information remain confidential versus the public's interest in having the information available.

According to the South Carolina Attorney General, the public's interest in disclosure, including using the information for military, VISTA and educational recruiting, overrides the person's interest to remain anonymous or avoid solicitation.

Arguably, the above interests are not interests of the public at all, but represent interests of private or government agencies who use such information for their private gain. It does not seem that providing listings of names and addresses furthers the purpose of the public records law, which is to keep citizens informed of governmental activities.

We believe it would have been legally defensible to have concluded to the contrary that addresses of licensees are not items the disclosure of which serves any legitimate public interest. Along this line of approach, the Director of the Motor Vehicle Division in Puerto Rico, interpreting the federal Privacy Act, concluded that such information is in fact restricted.

Right to Privacy

There does not appear to be any common law right of privacy that would protect the anonymity of one's address.

Thus on a public street or public place there is no legal right to be alone. Nor is it an invasion of privacy to follow a person to his home and watch him there. Prosser, William, Handbook of the Law of Torts, p. 808, 809 (1971).

As one legal authority has stated:

/A/ll of us must, to some reasonable extent lead lives exposed to the public gaze. Anyone who is not a hermit must expect the more or less casual observation of his neighbors and the passing public as to what he is and does and some reporting of his daily activities. Ibid, p. 811.

Although the disclosure of one's address does not necessarily violate a legal right such as to give rise to a cause of action for invasion of privacy, a more pertinent question is what state interest is served when the state discloses this information. It would appear that the state would have an interest in providing such information when it furthers the purposes of the motor vehicle registration or licensing law. Examples of this might be the disclosure of the identity and address of a car owner to persons who have suffered injury or loss because of a violation of the motor vehicle laws, or to car dealers to confirm ownership of title.

The real administrative problem is how to screen persons who have a legitimate need for such information from those whose motives may be only pecuniary or even criminal or malicious.

Some states require a person requesting driver license information to provide identification and a statement of a legitimate need for the information (Georgia, South Dakota).

In other states an administrative official informally screens such requests and determines, on a case by case basis, if the need is legitimate (Nebraska).

One state sends a copy of such request to the licensee (North Dakota). In this manner at least a licensee can learn of inquiries made about him.

The concern with privacy rights as they relate to record keeping in today's society of computerized information storage and exchange and in consideration of the vast number of sources collecting and maintaining information on each of us individually has not been adequately dealt with by most state legislatures.

Enclosed is a summary of the laws or policies, as closely as we can determine, of various states in regard to disclosure of drivers' addresses. We should point out that many states, in responding to our inquiries, did not differentiate between state driver licensing laws and state automobile registration laws.

Additionally I would like to mention that the National Conference of Commissioners on Uniform State Laws has just recently adopted a Uniform State Information Practices Code. Under this proposal state agencies are mandated to make certain information available to the public such as agency rules, decisions, public records and records an individual seeks about himself. Other information, including records which refer to any individual, is described as being within categories which do not require agency disclosure, but anticipate the exercise of administrative discretion in consideration of general interests which include the privacy rights of individuals about whom the government possesses personal information. In such a situation the person to whom the record relates would receive notice and have an opportunity to object to a disclosure. Additionally the act anticipates that state statutes may specifically identify certain information as exempt from disclosure. Since this proposal is a significant statement of all governmental information practices we believed that it might well be beyond the scope of your interest in this regard. If you do wish to be provided with a copy of this proposal merely inform us to such effect.

If we can be of further assistance please contact this office.

Encl.

Alabama

No telephone inquiries (except by law enforcement officers).

Alaska

No telephone inquiries (except by law enforcement officers). Driving records are confidential.

Arkansas

No telephone requests. Records kept of each inquiry.

California

Addresses of law enforcement officers are confidential.

Colorado

No telephone requests.

Connecticut

By statute public records.

Delaware

Public records.

District of Columbia

Florida

Vehicle registration, including address, is public record.

Georgia

Identification and statement of legitimate reason for request. Screening and denial of request if no showing of legitimate reason. \$.50 fee.

Idaho

Furnishes "abstracts" of record.

Illinois

Any person upon request. \$2.00 fee.

Indiana

Request must be in writing. Records of requests are kept. \$1.00 fee.

Iowa

Public record. No telephone requests (except by law enforcement officers).

Kansas

Public records available for inspection in person.

Kentucky

Public records open for inspection.

Louisiana

Public access, no restriction. \$2.00 charge.

Maryland

Public records open for inspection.

Massachusetts

No statutory provision.

Michigan

Public records open for inspection. \$5.00 fee.

Minnesota

Public records.

Mississippi

No telephone requests. Records of requests kept one year.

Missouri

Public records open to inspection.

Montana

Public access to anyone.

Nebraska

Per phone call from division there is an informal screening.

Nevada

No statutory provision.

New Hampshire

May furnish and sell compilations.

New Jersey

Open to public.

New Mexico

Public records.

New York

Open to public.

North Carolina

Any information furnished if request is in writing.

North Dakota

Open to public for inspection. Send copy of request to owner. Keep record of request.

Ohio

Furnishes name and addresses for fee.

Oklahoma

All information in registration certificates is confidential, except to government agencies, law enforcement officers and tax commission.

Oregon

Public records open to inspection.

Pennsylvania

Open for public inspection. Written request required with statement of purpose.

Puerto Rico

Public access only when authorized by licensee or in cases pending action by courts of justice.

Rhode Island

Public records.

South Carolina

Public records open to inspection. Attorney General Opinion outlines law of privacy in this area. Right to inspection is not unrestricted.

South Dakota

"Legitimate" requests are honored. Questionable calls referred to office supervisor. Unknown persons must submit request in writing. Record kept of requests. Personnel advised to use discretion to protect public right to privacy.

Tennessee

\$3.00 fee. Furnishes copies.

Texas

Public record.

Utah

Public records. Request must be in person.

Vermont

Information furnished upon proper identification.

Virginia, Washington, West Virginia

Only to specified government agencies and entities and other persons. No access to information except by law enforcement officers and courts. Every request screened. Federal Fair Credit Reporting Act and State Freedom of Information are used as guidelines.

Wisconsin

Information available but addresses not updated so of "limited value after one year".

Wyoming

Drivers license information "very restricted" except to qualified organizations and officers.

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senator Jan Faiks
ATTN: Steve White
Aide to Senator Faiks
FROM: Carol R. Berryhill *CRB*
Research Assistant
DATE: April 26, 1985
RE: Access to Motor Vehicle Records

RECEIVED
APR 29 1985

The attached memorandum to Senate State Affairs Committee summarizes the information I gathered concerning access to motor vehicle records. The Division of Motor Vehicles' telephone numbers in each state are:

California	(916) 445-5281
Oklahoma	(405) 521-3221
South Dakota	(605) 773-3545
Virginia	(804) 257-0523
Washington	(206) 753-6915
West Virginia	(304) 348-2723
Wyoming	(307) 777-5271

I have forwarded a copy of the memorandum to Senator Abood and Senator Vic Fischer at Elizabeth Hickerson's request.

If you have any questions, or wish further assistance, please contact me.

Attachment:
cc: Senator Abood ✓
Senator Vic Fischer
Elizabeth Hickerson

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Carol R. Berryhill *CRB*
Research Assistant

DATE: April 26, 1985

RE: Access to Motor Vehicle Records

The Division of Motor Vehicles in the ensuing states provided, via telephone April 25-26, 1985, the following information regarding the policies and procedures administered to inquiries concerning motor vehicle registration records.

California

The state of California has an official form that is filled out by the inquirer. For a \$4.00 fee the inquirer may obtain the motor vehicle registration information on file on the individual about whom the inquiry is made. A portion of the form is mailed to that individual so that he/she is aware of the inquiry. Of these seven states, California is the only state with this procedure.

Account codes are assigned to specific agency's, i.e., law enforcement, so that they may obtain information via a verbal request. Addresses of law enforcement officers remain confidential. The policies regarding access to driver's license information differ. The driver's license number and/or birthdate must be presented to obtain driver's license record information. There is a \$1.00 to \$2.00 fee for this.

These procedures are mandated by California Vehicle Code 18.08.

Oklahoma

Title 47, § 22.24 of the Oklahoma statutes, copy attached, mandates the procedures to be administered by the Division of Motor Vehicles concerning motor vehicle registration inquiries. In short, the information is confidential except to government agencies, law enforcement officers and the tax commission.

South Dakota

Motor vehicle registration information is provided to law enforcement officers, financial institutions, etc., upon verbal request. Written requests must be furnished from private inquirers. Legitimate requests only are honored. Questionable inquiries are referred to the office supervisor. If the inquiry is denied then the inquirer may contact his/her local authority. The fee for motor vehicle registration record information varies from \$1.00 to \$5.00 depending on the depth of the record requested, i.e., previous owner or case history.

Virginia

Requests for registration information must be provided in writing. This includes requests from financial institutions, insurance companies, and attorneys.

If a request is received from a private individual then he/she must certify that his/her request is valid. An abandoned vehicle on one's private land would constitute a valid reason for a vehicle registration information inquiry. After the request is received it is screened, and if approved, upon receipt of a \$3.00 fee, the information may be provided to the inquirer.

The state of Virginia uses the Federal Fair Credit Reporting Act and the State Freedom of Information Act as guidelines.

Washington

RCW 46.12.380, copy attached, mandates the procedures to be administered by the Division of Motor Vehicles concerning motor vehicle registration inquiries. Agencies such as insurance companies maintain account codes. They have authorization to obtain lists of vehicle record information whereas the general public does not. The fee for one to ten records is \$2.00 each; \$0.20 for each ensuing record.

A request by a private individual may be honored if the request is legitimate. Files of requests are maintained and are public record; however, the state of Washington does not have a centralized filing system for these records so it may be an arduous task if one wanted to know if an inquiry had been made regarding his/her record.

The state of Washington uses the Federal Fair Credit Reporting Act and the State Freedom of Information Act as guidelines.

Senate State Affairs Committee
April 26, 1985
Page 3

West Virginia

The policies and procedures used by the Division of Motor Vehicles in the state of West Virginia are set by Administrative Code. The Federal Fair Credit Reporting Act and the State Freedom of Information Act are used as guidelines.

All requests must be provided in writing. The one exception is that of law enforcement officials who have hands-on access to vehicle records. Individual requests are at the discretion of the Commissioner. The fee for vehicle registration information is \$3.00. Files of the request are maintained for one year.

Wyoming

Requests for vehicle registration information are honored providing the request is in writing and it is legitimate. The request is generally at the discretion of the Motor Vehicle employee recipient. The fee for such information is \$1.00. Files of the requests are maintained for one year and then sent to archives.

If you have any questions, or if I may be of further assistance, please contact me.

Attachments:

46.12.360

MOTOR VEHICLES

allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

Added by Laws 1975-76, 2nd Ex.Sess., ch. 91, § 7, eff. July 1, 1976. Amended by Laws 1980, ch. 32, § 7, eff. Sept. 1, 1981.

Effective date—Transfer of mon- amendment of § 46.12.360 by Laws
eys—Laws 1980, ch. 32 § 7: "Section 7 1980, ch. 32.
of this act shall take effect on Septem- Severability—Effective date—Laws
ber 1, 1981. Any moneys held on that 1975-76, 2nd Ex.Sess., ch. 91: See His-
date in the account disestablished by torical Note following § 46.12.300.
section 7 of this act shall be transferred Library References
to the motor vehicle fund." [Laws 1980, States ⇐127.
ch. 32, § 8.] Section 7 of this act is the C.J.S. States § 158.

46.12.370. Lists of registered and legal owners of vehicles—Furnished for certain purposes—Penalty for unauthorized use

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; or

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing. In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) and (3) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Added by Laws 1982, ch. 215 § 1.

Library References

Records ⇐31, 52, 55.
C.J.S. Records §§ 36, 37, 40.

46.12.380. Disclosure of names and addresses of individual vehicle owners

Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor or other public agency except upon written request,

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signed by the person requesting disclosure, stating t and address. The request for disclosure is itself a pub inspection and copying, and shall be retained by the d two years.

When deemed appropriate by the disclosing agency disclosure request has been honored may be sent to owner, indicating the name and address of the persc sure.

This section shall not apply to persons who routinel of vehicle registration information for use in the course occupation.

Added by Laws 1984, ch. 241, § 2.

CHAPTER 46.16—VEHICLE LICE

Sec.

- 46.16.006. "Registration year", defined—Registration mont month".
- 46.16.015. Emission control inspections required—Exception.
- 46.16.016. Emission control inspections—Rules for licensing
- 46.16.035. Exemptions—Private school buses.
- 46.16.048. Temporary letter of authority for movement of special community event.
- 46.16.063. Additional fee for recreational vehicles.
- 46.16.104 to 46.16.106. Repealed.
- 46.16.115. Repealed.
- 46.16.216. Renewal, payment of parking fines required— charge—Change of registered owner—Statem fines to registered owners [New].
- 46.16.225. Vehicle registration periods may be adjusted to st
- 46.16.275. Replacement plates required, when.
- 46.16.311. Antique vehicles—Application to vehicles manufa presently licensed.
- 46.16.315. Vehicles more than thirty years old and operat license, plates for—Fees, disposition.
- 46.16.355. Repealed.
- 46.16.381. Special parking privileges for disabled persons—l rized use or parking [New].
- 46.16.390. Special plate, card, or decal issued by another jur
- 46.16.500. Liability of operator and/or owner or lessee for v
- 46.16.505. Campers—License and plates—Application—Fee.
- 46.16.510 to 46.16.550. Repealed.
- 46.16.555. Decodified.
- 46.16.560. Personalized license plates—Defined.
- 46.16.565. Personalized license plates—Application.
- 46.16.570. Personalized license plates—Design.
- 46.16.575. Personalized license plates—Issuance to registere
- 46.16.580. Personalized license plates—Application requirem
- 46.16.585. Personalized license plates—Fees—Renewal—Pen
- 46.16.590. Personalized license plates—Transfer fees.
- 46.16.595. Personalized license plates—Transfer or surrender release of vehicle ownership—Penalty.
- 46.16.600. Personalized license plates—Rules and regulation
- 46.16.605. Personalized license plates—Disposition of fees—
- 46.16.610. Referral to electorate.
- 46.16.620. Congressional Medal of Honor recipients—Special
- 46.16.630. Moped registration.

action following a satisfactory showing by the departments, or transpositions were made in entering the the stolen vehicle file.

'6, 2nd Ex.Sess., ch. 91, § 7, eff. July 1, 1976. Amended by , eff. Sept 1, 1981.

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all be transferred Library References
nd." [Laws 1980, States §127.
of this act is the C.J.S. States § 158.

registered and legal owners of vehicles—Furnished
tain purposes—Penalty for unauthorized use

other authority which it may have, the department of
lists of registered and legal owners of motor vehicles
s specified in this section to:

owners of motor vehicles, or their authorized agents, to
those manufacturers to carry out the provisions of the
Motor Vehicle Safety Act of 1966 (15 U.S.C. sec.
amendments or additions thereto, respecting safety-
motor vehicles;

national agency of the United States or Canada, or political
to be used by it or by its authorized commercial
only in connection with the enforcement of motor
laws by, or programs related to traffic safety of, that

Only such parts of the list as are required for
work required of the agent or contractor shall be
agent or contractor; or

regularly making loans to other persons to finance the
vehicles, to be used to assist the person requesting the
ownership of specific vehicles for the purpose of determin-
ing to provide such financing. In the event a list of
owners of motor vehicles is used for any purpose other
than in subsections (1), (2) and (3) of this section, the
departmental agency, financial institution or their authoriz-
ers responsible for the unauthorized disclosure or use
or access to such information by the department of

h. 215 § 1.

37, 40.

release of names and addresses of individual vehicle

the provisions of chapter 42.17 RCW, the name or
of the vehicle owner shall not be released by the depart-
ment or other public agency except upon written request,

signed by the person requesting disclosure, stating their full legal name
and address. The request for disclosure is itself a public record, subject to
inspection and copying, and shall be retained by the disclosing agency for
two years.

When deemed appropriate by the disclosing agency, notice that such a
disclosure request has been honored may be sent to the affected vehicle
owner, indicating the name and address of the person requesting disclo-
sure.

This section shall not apply to persons who routinely request disclosure
of vehicle registration information for use in the course of their business or
occupation.

Added by Laws 1984, ch. 241, § 2.

CHAPTER 46.16—VEHICLE LICENSES

- Sec.
- 46.16.006. "Registration year", defined—Registration months—"Last day of the month".
 - 46.16.015. Emission control inspections required—Exceptions.
 - 46.16.016. Emission control inspections—Rules for licensing requirements.
 - 46.16.035. Exemptions—Private school buses.
 - 46.16.048. Temporary letter of authority for movement of unlicensed vehicle for special community event.
 - 46.16.063. Additional fee for recreational vehicles.
 - 46.16.104 to 46.16.106. Repealed.
 - 46.16.115. Repealed.
 - 46.16.216. Renewal, payment of parking fines required—Distribution of surcharge—Change of registered owner—Statement of unpaid parking fines to registered owners [New].
 - 46.16.225. Vehicle registration periods may be adjusted to stagger renewal periods.
 - 46.16.275. Replacement plates required, when.
 - 46.16.311. Antique vehicles—Application to vehicles manufactured after 1931 and presently licensed.
 - 46.16.315. Vehicles more than thirty years old and operated as collector's item, license, plates for—Fees, disposition.
 - 46.16.355. Repealed.
 - 46.16.381. Special parking privileges for disabled persons—Penalties for unauthorized use or parking [New].
 - 46.16.390. Special plate, card, or decal issued by another jurisdiction [New].
 - 46.16.500. Liability of operator and/or owner or lessee for violations.
 - 46.16.505. Campers—License and plates—Application—Fee.
 - 46.16.510 to 46.16.550. Repealed.
 - 46.16.555. Decodified.
 - 46.16.560. Personalized license plates—Defined.
 - 46.16.565. Personalized license plates—Application.
 - 46.16.570. Personalized license plates—Design.
 - 46.16.575. Personalized license plates—Issuance to registered owner only.
 - 46.16.580. Personalized license plates—Application requirements.
 - 46.16.585. Personalized license plates—Fees—Renewal—Penalty.
 - 46.16.590. Personalized license plates—Transfer fees.
 - 46.16.595. Personalized license plates—Transfer or surrender of plates upon sale or release of vehicle ownership—Penalty.
 - 46.16.600. Personalized license plates—Rules and regulations.
 - 46.16.605. Personalized license plates—Disposition of fees—Costs.
 - 46.16.610. Referral to electorate.
 - 46.16.620. Congressional Medal of Honor recipients—Special license plates.
 - 46.16.630. Moped registration.

or dispose of, or have in his possession for sale, use or storage any used home on which the registration fees or excise taxes have not required by law:

identification, manufactured home registration receipt, Manufactured Home Decal or excise tax receipt on an assigned certificate of title. Violating the provisions of this subsection, upon conviction, shall be guilty

of any portion of the Motor Vehicle License and Registration Act. If a specific penalty has not been imposed, upon conviction, shall constitute a separate offense and the person having violated it shall be fined not less than Ten Dollars and not to exceed One Hundred Dollars (\$100.00).

Violation of any provision of the Motor Vehicle License and Registration Act on every day such violation has occurred shall constitute a separate offense.

1979, c. 292, § 5, emerg. eff. July 5, 1979. Amended by Laws 1981, c. 253, § 14, operative July 1, 1981.

Section of this title.

1984. Emergency.

C.J.S. Motor Vehicles §§ 588, 596 et seq.

16.

Installment payments of license fees—Licenses—New license tags

Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fee on any resident owner, either individual, partnership, or Oklahoma corporation, trailer or semitrailer, not used primarily for farm use, exceeds the amount of One Thousand Dollars (\$1,000.00), said license fees may be paid in equal installments. The first installment shall be paid at the time of the registration of said vehicles and not later than January 15 of each year. The second installment shall be paid on or before the first day of July of

each year shall not operate to reduce the amount of the license fees due. If the license fee is not paid on or before the date due, all unpaid installments of the license fee on each vehicle shall be deemed delinquent and immediately due, and there shall be added a penalty of twenty-five cents (\$.25) for each day the balance of the license fee due on each vehicle for each day the balance is not paid up to thirty (30) days, after which the penalty due on each vehicle shall be Five Dollars (\$5.00). The penalty for vehicles registered by weight in excess of seven thousand (7,000) pounds shall be an amount equal to the license fee for the 30th day each such vehicle involved shall be considered as delinquent and as not currently registered, and all of the provisions of the Motor Vehicle License and Registration Act¹ relating to enforcement, including the provisions relating to the seizure and sale of vehicles not registered and not displaying license tags, shall apply to said vehicles.

The taxes levied by the Motor Vehicle License and Registration Act shall remain a first lien upon the vehicle upon which said fees or taxes are levied. Said lien shall have priority to all other liens. Provided further, the lien on the vehicle may be transferred until the unpaid balance on the vehicle is paid in full. Provided that any unpaid balance of said license fees shall constitute a lien against any and all property of the owner, both real and personal, and any license tag fee balance shall remain unpaid. Provided the unpaid balance under these provisions shall be immediately due and payable by the owner if any vehicle is sold, wrecked, or otherwise retired from

use. The owner electing to pay license fees on a semiannual installment basis, as provided in this section, shall be required to purchase a new license tag for the last half of the sum of One Dollar (\$1.00) for each tag to cover the costs of said

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license tags; said license tags for each half shall be plainly marked in designating the half for which they were issued. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned in the same manner as the license fees on such vehicles are apportioned by law.

Added by Laws 1978, c. 2, § 1, emerg. eff. Jan. 25, 1978. Amended by Laws 1982, c. 95, § 4, emerg. eff. April 6, 1982.

Section 22 et seq. of this title.

Section 2 of Laws 1977, c. 2, provided for the codification of this section.

Title of Act:

An Act relating to motor vehicles; providing for additions to the Motor Vehicle License and

Registration Act; providing for semiannual payment of certain license fees; providing certain controls over control of such payments; directing codification; and declaring an emergency. Laws 1978, c. 2.

§ 22.24. Information contained in certificates and applications as confidential—Exceptions—Certified copies—Fees

A. All information contained in certificates of title, applications therefor, or registration certificates is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Commission in the regular course of their employment, except as follows:

1. To law enforcement officers in the regular course of their duties;
2. To other governmental agencies when required in their governmental functions; and

3. To any motor vehicle manufacturer or his authorized representative for the purpose of meeting the requirements of the recall provisions of Title 15 U.S.C.1974; provided that said manufacturer or his representative shall, when requesting information pertaining to motor vehicles, furnish the Commission with an affidavit stating the purpose for which the information is to be used, and that the confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Commission shall be authorized to review the use of and the measures employed to safeguard said information; and provided, further, that the manufacturer or his representative shall bear the cost incurred by the Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection (d) of Section 205 of Title 68 of the Oklahoma Statutes, shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or his representative violating the provisions of this subsection, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00).

B. Notwithstanding the foregoing, the Commission may, when requested for a particular vehicle, furnish desired information for the sum of One Dollar (\$1.00) per vehicle or make copies of certificates of title, applications therefor and registration certificates and sell the same for the fee hereinafter prescribed. Certified copies of any and all records held by the Commission relative to certificates of title and registration certificates issued under the laws of this state, duly certified by the Commission, may be received in evidence with the same effect as the original, when such original is not in the possession or under the control of the party desiring to use the same. For each certified copy furnished under this section, a fee of Two Dollars (\$2.00) per instrument shall be charged and collected by the Commission. All such funds shall be deposited in the Oklahoma Tax Commission Revolving Fund.

C. Provided however, that the provisions of subsections A and B of this section shall not apply to vehicles in excess of twenty-six thousand (26,000) pounds, or to trailers or semitrailers which may be used in combination with such vehicles. Provided further, the Oklahoma Tax Commission shall establish an appropriate fee to cover the cost of furnishing the requested data and shall issue specific rules and regulations for the dissemination of information that shall apply only to vehicles registered in Oklahoma with a gross vehicle weight in excess of twenty-six thousand (26,000) pounds, or the applicable trailers or semitrailers.

The release of such information shall be limited to Oklahoma incorporated and domiciled, nonprofit, tax exempt industry trade groups and organizations for the

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express purpose of making such data directly available to the heavy duty motor transportation industry.

Amended by Laws 1968, c. 177, § 1, emerg. eff. April 15, 1968; Laws 1969, c. 163, § 1, emerg. eff. April 14, 1969; Laws 1977, c. 103, § 45, emerg. eff. May 30, 1977; Laws 1978, c. 209, § 19, eff. July 1, 1978; Laws 1984, c. 227, § 1, emerg. eff. May 23, 1984.

Section 4 of Laws 1984, c. 227 provides for an effective date.

Section 2 of Laws 1969, c. 163 repealed conflicting laws and specifically repealed title 68, § 2109.

Notes of Decisions

1. In general

The utilization of a private vendor under contract, acting as agent for Data Processing and

Planning Division, to keypunch data from motor vehicle registrations, is not a violation of 68 Okl. St. Ann. § 205 or 74 Okl. St. Ann. § 118.17, however, individuals in possession of the information found in such registrations are bound by the same confidentiality as employees of the State Board of Public Affairs, Data Processing and Planning Division. Op. Atty. Gen. No. 77-257 (Dec. 5, 1977).

Individuals can copy records of Oklahoma Tax Commission regarding ownership of vehicles. Op. Atty. Gen. No. 68-165 (April 12, 1968).

§§ 22.25 to 22.27. Repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977; State Question No. 524, Initiative Petition No. 300, adopted at election held Nov. 7, 1978

Section 22.26 was also repealed by State Question No. 524, Initiative Petition No. 300, adopted

at election held Nov. 7, 1978, effective 90 days after approval and passage.

§ 22.28. Special mobilized machinery

A. Special mobilized machinery shall not be subject to any section or provision of the Motor Vehicle License and Registration Act,¹ except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to the Commission or their² authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars (\$25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. Certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars (\$550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars (\$550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined.

D. Equipment of this class shall use the highways of Oklahoma by special permit, issued by the Commissioner of Public Safety acting through his delegated officers. Permits shall be issued on payment of a Five Dollar (\$5.00) fee to the Commissioner of Public Safety or his authorized agents.

In those cases where the equipment or machinery conforms to all safety requirements under the law, then the permit shall be issued for the term of one (1) calendar year and shall be nonrestrictive as to time and route of travel.

Permits for such oversize or overweight machinery permissible road speed of thirty-five (35) miles per hour, to be carried and may exclude use of highways of the interstate system shall be included in the Commissioner of Public Safety or his authorized agent purposes of this chapter will be served by such use and restrictions will not be violated. Oversize or overweight machinery properly operating on the highways of the interstate system shall meet minimum speed requirements.

When such equipment has a width greater than eight (8) feet or a height in excess of thirteen (13) feet, the permit may restrict movement to a fifty-mile radius operating base, may designate highways to be traveled, and flagmen may be required to precede or follow the equipment.

Possession of a permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt such equipment from the responsibility for damage to highways. Provided that nothing in this act shall be construed to exempt such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways or road material production.

E. Upon the issuance of a special mobilized machinery permit provided in this subsection, special mobilized machinery shall be permitted to move upon the highways of this state for delivery and exclusive use without the state or when temporarily returned to Oklahoma for modification or repair. Special driveaway permits shall be issued by the Commissioner of Public Safety or his designated agents, upon the payment of a fee therefor of Fifteen Dollars (\$15.00) for each such movement. The Commission hereby authorized to issue to the operators of said special mobilized machinery special plates or other identifying evidence that the permit was obtained. Other provisions of this section relating to registration, fees, or licensing shall not apply to special mobilized machinery when the same is manufactured in this state relating to registration, fees, or licensing shall not apply to special mobilized machinery when the same is manufactured in this state or when modified or repaired. This subsection shall in no way exempt such equipment from the levy of ad valorem taxes.

It is provided that the size of the special mobilized machinery shall be such as to create a safety hazard in the judgment of the Commissioner. Permits for such special mobilized machinery shall specify a maximum road speed of thirty-five (35) miles per hour, designate highways to be traveled, and may exclude use of highways of the interstate system.

When such equipment has a width greater than eight (8) feet or a height in excess of thirteen (13) feet, the permit may designate highways to be traveled, hours of travel, and flagmen may be required to precede or follow the equipment.

Possession of a special driveaway permit shall in no way exempt such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt such equipment from the responsibility for damage to highways.

Amended by Laws 1977, c. 103, § 46, emerg. eff. May 30, 1977; Laws 1978, c. 209, § 2, eff. Oct. 1, 1978.

¹ Section 22 et seq. of this title.

² Should probably read "its".

§ 22.29. Repealed by Laws 1977, c. 103, § 65, emerg. eff.

§ 22.30a. Licensing of new motor vehicles—Temporary procurement of registration and licensing by

A. The purchaser of every new motor vehicle shall register the motor vehicle within twenty (20) days from the date of purchase.