

SB

352

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 9, 1994

SB 352

*The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that generally makes confidential the addresses and telephone numbers of persons identified in registration records, titles, and documents maintained by the division of motor vehicles (DMV), Department of Public Safety. This information has been used by criminals to learn the residence address of a victim. Making this information generally confidential will help protect the public.

California passed nearly identical legislation after vehicle registration information was used in the notorious stalking murder of actress Rebecca Schaeffer in Los Angeles. Here in Alaska, a convicted murderer used DMV license plate information last year to identify the addresses of senior employees of a business before robbing them at gunpoint.

As it stands now, if the public, including a person planning a crime, knows the license plate of a particular car, DMV must release the name, address and telephone number of the car owner as a public record. In order to protect the public -- and in keeping with Alaska's tradition of protecting the privacy of its citizens -- the attached bill amends AS 28.05.061 to make the addresses and telephone numbers contained in DMV records confidential unless the requestor has a legitimate interest in the information, as determined under regulations adopted by the Department of Public Safety.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

March 15, 1994

State Affairs Committee: The Honorable Loren Leman, Chairman
 The Honorable Mike Miller, Vice Chairman
 The Honorable Jim Duncan, Senator
 The Honorable Robin Taylor, Senator
 The Honorable Johnny Ellis, Senator

MAR 17 1994

Re: Senate Bill 352 relating to the confidentiality of certain information in vehicle records; and providing for an effective date.

Gentlemen,

Good Morning My name is Bill Quinn, and I am the Secretary of the Alaska Investigators Association. We represent some eighty (80) plus professionals state wide who regularly conduct or are party to investigatory matters. Many of our members are small business men and women. These individuals regularly utilize public records kept by the Department of Public Safety, Division of Motor Vehicles and other departments to locate individuals, serve subpoenas and summons, discover assets, and carry out other necessary, lawful actions and activities. I am here today to voice our opposition to Senate Bill 352.

The Alaska Investigators Association is opposed to this bill for a variety of reasons. If access to public records is restricted, some of our members expect reductions in their business income, as access to previously public information is restricted or even curtailed altogether. Members anticipate increased costs to comply with new regulations and processes created by DMV. Members expect new paperwork, delays, and heightened scrutiny to precede information retrieval. There is anticipation that if this bill passes, no matter how lenient any new regulations may be, practical access will be restricted and delayed solely because the likely hood of new state positions to service new processes and regulations is small, leaving DMV, already short staffed, with new chores, and no one to complete them.

Our members are legitimate business men and women. They pay state taxes, provide services to other businesses in Alaska, and in some cases, create jobs for fellow Alaskans. Our members have not misused or abused information they have procured from or by their access to State of Alaska public records. Our members have not knowingly participated in, assisted or enabled the information they have procured to be used illegally or for harm. There is no reason to prohibit or restrict the access of our members. There are other reasons AIA opposes this legislation, but these are better addressed by fellow officers and members who will testify today or contact you shortly. I thank you for your indulgence, and this opportunity to testify before your committee.

Bill Quinn
Secretary, Alaska Investigators Association, 907.258.7400

March 15, 1994

State Affairs Committee: The Honorable Loren Leman, Chairman
 The Honorable Mike Miller, Vice Chairman
 The Honorable Jim Duncan, Senator
 The Honorable Robin Taylor, Senator
 The Honorable Johnny Ellis, Senator

Re: Senate Bill 352 relating to the confidentiality of certain information in vehicle records; and providing for an effective date.

Gentlemen,

Good Morning, and I hope this finds you well.

As a private citizen of this great State of Alaska, I ask that you not support SB 352. This bill proposes to remedy social disfunction by limiting the rights and access of those who are not socially dysfunctional.

The provisions of this bill would reduce and possibly extinguish the access to public records by law abiding citizens. Why are we proposing to reduce lawful public access by law abiding citizens? If we are to inhibit the access of individuals who would stalk our fellow citizens, wouldn't it make sense to reduce the *access available to the supposed or alleged stalkers*? It is neither reasonable to place restrictions *on law abiding citizens and expect a reduction in criminal action.*

If this same logic had been applied when this state moved to reduce drunken driving, the driving public at large would have been denied drivers licenses after authorities discovered but a few citizens who had chosen to drive drunk. This logic is similar to determining which make of car drunk drivers prefer to drive when they are drunk, and then banning the sale and manufacture, and thus the access, to that particular make of automobile by all citizens in order to *reduce drunk driving.*

I suggest this. Our legal system allows possible and potential victims of domestic violence, stalking or other personal crimes to approach the courts and through ex parte motion, receive domestic violence orders (DVO). I suggest we use this process as an opportunity to reduce the alleged aggressors ability to utilize public information harmfully. Upon DVO issuance, the Court can concurrently notify DMV that the named individual can no longer access DMV's publicly held records. This restriction could be incorporated as a standard condition on all DVO's and other instruments of legal restraint.

We know this individual could attempt to coerce another to procure the restricted or forbidden information. If such information is so procured and used to harm or harass, it is my understanding this

body's recent passage of the conspiracy law will hold both the party procuring the information and the party using the information legally responsible for any resultant harm.

I ask that you increase or standardize the penalties for the misuse or *criminal use of public information*, not penalize law abiding, tax paying citizens by *reducing or restricting their access*. Legislation that restricts or reduces access to public information, **only penalizes law abiding citizens**. I am a law abiding citizen and I am weary of seeing my rights restricted or reduced in response to the actions of criminals. I am weary of seeing state spending, taxes and regulations increase as a solution to criminal activity. I am weary of seeing the openness of our society eroded one law at a time, because of the action of a few citizens, who neither appreciate or understand the benefits, strengths or joys of an accessible, free society. *Money will not cure crime. Laws cannot protect us from harm.*

I ask that you oppose this bill, and if necessary, propose legislation that *penalizes criminal access* and use of public information only.

Thank you.



Bill Quinn

907.258.7400

SUGGESTED LANGUAGE CHANGE FOR HB 526

1. Substitute the word "legitimate", line 8 with one of the following:
 - Recognized
 - Justified
 - Business
 - Commerical
 - Legal-Relationship

2. Insert the following after the word "Release", line 8 with the following:
 - " unless the department determines the requesting party has a need to know for business use or has an agreement with the requesting party setting forth uses of the information as defined by the department by regulation".

..... developed strong
working relationships. We have assisted with installation of their
computer systems, provided input for record design, and have helped

Motznik Computer Services, Inc.

8301 Briarwood Street, Suite 100
Anchorage, Alaska 99518-3332
(907) 344-6254 FAX (907) 344-1759

TO: SENATE STATE AFFAIRS COMMITTEE

MARCH 16, 1994

FROM: ROBERT MOTZNIK

RE: SENATE BILL 352

This letter is to register my opposition to Senate Bill 352. This bill calls for making addresses confidential in the motor vehicle file. The bill also mentions making the phone number confidential, but DMV does not even have a space on the registration form for phone number. There is no phone number in the file to be made confidential.

For six years we have purchased the motor vehicle file and made it available on our Public Information Access System. Hundreds of companies and government agencies access the file daily. A common use of the motor vehicle file is to find addresses.

Attorneys need to find witnesses that have moved; title companys are required to search public files for the last known address of interested parties before foreclosing; towing companies need to notify owners/lienholders before auctioning impounded vehicles; larger companies want to make sure the car left overnight in their parking lot doesn't belong to the boss before they have it towed; community patrols send letters to owners of vehicles that stop at suspected drug houses; companies/government agencies use it to locate people that have bounced checks or not paid bills. These are some of the exceptions that DMV will have to allow for. DMV does not have the staff or the inclination to help people. The ten dollar fee to register a car in person was designed to keep people out of their office.

SENATE BILL 352 SHOULD BE REJECTED FOR THE FOLLOWING REASONS:

1. IT WILL NOT DISCOURAGE CRIMINAL ACTIVITY

This bill would make it harder for attorneys, process servers, investigators, banks, title companies and government agencies to perform their jobs. Criminal activity requires privacy. The way to discourage criminal activity is to increase the probability of them being caught.

A criminal at the DMV counter will not be instantly rehabilitated when he is denied the address. He can either choose another victim, or if he is stalking an acquaintance, locate the victim through a different method (friends, relatives, job site, phone directory).

2. PRIVACY WILL HINDER VICTIMS

This bill could prevent stalking victims from finding out in a timely manner who is following them.

3. COSTS WILL INCREASE TO DMV AND THE PUBLIC

If a criminal comes in with a plate number of someone he wants to victimize, he may lie to the clerk as to why he needs the information (some criminals are untruthful). Since there are so many valid reasons for needing the information, how would the requests be screened? Lie-Detectors? Stack of bibles?

DMV will need more clerks to screen information requests.

The civil process will become slower and more expensive.

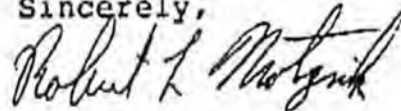
4. THERE IS AN ALTERNATIVE

When a subscriber performs a lookup by plate number in our system, the transaction is logged and the subscriber is warned that the log file will be made available to any law enforcement agency that requests it.

It is my understanding that DMV makes no record of plate numbers that are requested. Checking identification and recording plate inquiries would discourage criminals. DMV could be doing this now.

Thank you for your time. Please call me with your questions.

Sincerely,



Robert L. Motznik



STEWART TITLE
COMPANY OF ALASKA

to: Sen. Loren Leman, State Affairs Committee
from: Art Eash, Stewart Title Company of Alaska
date: 3-15-94
re: SB 352

SB 352 is an ill-conceived bill from this standpoint: by denying access to DMV information, notably addresses, our company is prevented from providing information required by the Rosenberg case of 1986, with respect to civil actions and foreclosure of real property. We are aware of other elements of the civil process which are reliant upon this information as well.

I would be happy to provide further input if required.

261-2233 direct

Post-It™ brand fax transmittal memo 7671 # of pages > 1

To <i>Sen. Loren Leman</i>	From <i>Art Eash</i>
Co.	Co.
Dept. <i>465-3870</i>	Phone #
Fax #	Fax #

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FISCAL NOT

No. 14

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 352

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "Providing for the confidentiality of vehicle registration records..." BRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender
 Division: Public Defender Agency

Phone: 264-4400
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/17/94

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FISCAL NOT

No. 3

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 352

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "Providing for the confidentiality of vehicle registration records..." BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phono: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usara Date: 2/15/94
 Agency: Administration

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FISCAL NOTE

No. 2

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Bill Version: SB 352

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to the confidentiality BRU: Motor Vehicles
of certain information Component: Field Services
 Sponsor: RULES
 Requestor: Governor COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL	1.5					
CONTRACTUAL	6.8					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.3	0	0	0	0	0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	(58.5)	(58.5)	(58.5)	(58.5)	(58.5)	(58.5)
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	8.3	0	0	0	0	0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	8.3	0	0	0	0	0

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared By: Charles R. Hosack Phone: 269-5559

Division: Motor Vehicles Date: 2/10/94

Approved by Commissioner:  Date: 2/11/94

Agency: Richard L. Burton, Dept. of Public Safety

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MHW
2/11/94

Department of Public Safety
Confidentiality
of certain information
Page 2 of 2

This bill makes the addresses in motor vehicle records confidential and not subject to disclosure unless the person has a legitimate business interest in the information as determined by regulation.

OPERATIONAL COSTS

This bill will have an impact in the operational budget for one-time costs relating to changing the computer system and for costs related to promulgating regulations. The programming costs will have to be contracted out since all current programmers are fully committed to mandatory federal programs. These costs are detailed below:

Travel

Two trips for public hearings - airfare and per diem	\$1,500.00
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Contractual

Advertising for regulation changes	\$3,000.00
Programming (50 hrs @ \$75)	\$3,750.00

TOTAL	\$8,250.00
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REVENUE

In 1993 the State received approximately \$65,000.00 for the sale of vehicle records. This was for individual records at \$5 each and for sale of master file updates to two major vendors at a cost of \$35 per 1,000 records. The main use of these records was to determine the address of the individual or, in the case of the major vendors, to generate mailing lists. It is estimated that 90% of this revenue will be lost if the addresses are confidential. This will result in a revenue loss of \$58,500.00 annually.

FISCAL NOTE

No. 1

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 352

(S) Publish Date: 3-9-94

Revision Date: February 10, 1994

Department Affected: Department of Law

Title: "...relating to the confidentiality of certain information in vehicle registration records..."

BRU: Prosecution

Component: Criminal Justice Litigation

Sponsor: Rules Committee/Request of Governor

Requestor: Governor's Office

COMPONENT SERIAL NO. 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services Division

Date: February 10, 1994

Richard I. Peques / *FOR*

Approved by Commissioner: Bruce M. Botelhd, Attorney General

Agency: Department of Law

Date: February 10, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends AS 28.05.61 to provide that the addresses and telephone numbers of persons identified by Division of Motor Vehicles records are not subject to inspection or disclosure as a public record and may not be released unless the person requesting the information has a legitimate interest in the information as defined by the Department of Public Safety by regulation. The bill further authorizes the Department of Public Safety to adopt regulations in accordance with the bill's purpose. Governor Hickel has requested this legislation to help protect the public, because this information has been used in the past by criminals to learn the residence of a victim. The bill will not have a fiscal impact for the Department of Law, except for assisting the Department of Public Safety to adopt necessary regulations which will be accomplished using existing resources.

CS FOR SENATE BILL NO. 352(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. AS 28.05.061 is amended by adding a new subsection to read:

5 (d) An address or telephone number of a person identified in records
6 maintained by the department under AS 28.10 is not subject to inspection or disclosure
7 as a public record and may not be released unless the person requesting the
8 information

9 (1) has a legitimate business use for the information as determined
10 under regulations adopted by the department; or

11 (2) is receiving the information under an agreement with the department
12 and the agreement indicates the purpose for which the information is being used.

13 * Sec. 2. REGULATIONS. The Department of Public Safety shall adopt regulations to
14 implement AS 28.05.061(d), enacted by sec. 1 of this Act. The regulations required under this

1 section may not take effect before the effective date of sec. 1 of this Act.

2 * **Sec. 3.** Section 2 of this Act takes effect immediately under AS 01.10.070(c).