

USE OF DRIVER LICENSE INFORMATION

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen Hale

AN ACT RELATING TO PUBLIC SAFETY; PROTECTING MOTOR VEHICLE RECORDS; PROTECTING DRIVER RECORDS; PROVIDING CERTAIN ACCESS; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-116, as last amended by Chapter 314, Laws of Utah 1995

53-3-104, as last amended by Chapters 28 and 314, Laws of Utah 1995

ENACTS:

53-3-109, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-1a-116** is amended to read:

41-1a-116. Records -- Telephone requests for records.

(1) (a) All motor vehicle title and registration records of the division are [~~public~~] protected unless the division determines based upon a written request by the subject of the record that the record is [~~protected~~] public.

(b) In addition to the provisions of this section, access to all division records shall be in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

(2) (a) Access to public records is determined by Section 63-2-201.

(b) A record designated as public under Subsection (1)(a) may be used for advertising or solicitation purposes.

(3) Access to protected records, except as provided in Subsection (4), is determined by Section 63-2-202.

(4) In addition to those persons granted access to protected records under Section 63-2-202, the division may disclose a protected record to a licensed private investigator with a legitimate business need, a person with a bona fide security interest, or for purposes of safety,

product recall, advisory notices, or statistical reports only upon receipt of a signed acknowledgment that the person receiving that protected record may not:

- (a) disclose information from that record to any other person; or
- (b) use information from that record for advertising or solicitation purposes.

(5) The division may provide protected information to a statistic gathering entity under Subsection (4) only in summary form.

(6) A person allowed access to protected records under Subsection (4) may request motor vehicle title or registration information from the division regarding any person, entity, or motor vehicle by submitting in person or by mail a written application on a form provided by the division.

(7) If a person regularly requests information for business purposes, the division may by rule allow the information requests to be made by telephone and fees as required under Subsection (8) charged to a division billing account to facilitate division service. The rules shall require that the:

- (a) division determine if the nature of the business and the volume of requests merit the dissemination of the information by telephone;
- (b) division determine if the credit rating of the requesting party justifies providing a billing account; and
- (c) the requestor submit to the division an application that includes names and signatures of persons authorized to request information by telephone and charge the fees to the billing account.

(8) (a) The division shall charge a reasonable search fee determined under Section 63-38-3.2 for the research of each record requested.

(b) Fees may not be charged for furnishing information to persons necessary for their compliance with this chapter.

- (c) Law enforcement agencies have access to division records free of charge.

Section 2. Section **53-3-104** is amended to read:

53-3-104. Division duties.

~~[(†)]~~ The division shall:

~~[(a)]~~ (1) make rules:

~~[(†)]~~ (a) for examining applicants for a license, as necessary for the safety and welfare of the

traveling public;

[(ii)] (b) regarding the restrictions to be imposed on a person driving a motor vehicle with a temporary learner permit; and

[(iii)] (c) for exemptions from licensing requirements as authorized in this chapter;

[(b)] (2) examine each applicant according to the class of license applied for;

[(e)] (3) license motor vehicle drivers;

[(d)] (4) file every application for a license received by it and shall maintain indices containing:

[(i)] (a) all applications denied and the reason each was denied;

[(ii)] (b) all applications granted; and

[(iii)] (c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;

[(e)] (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;

[(f)] (6) file all accident reports and abstracts of court records of convictions received by it under state law;

[(g)] (7) maintain a record of each licensee showing his convictions and the traffic accidents in which he has been involved where a conviction has resulted;

[(h)] (8) consider the record of a licensee upon an application for renewal of a license and at other appropriate times;

[(i)] (9) search the license files, compile, and furnish a report on the driving record of any person licensed in the state [~~when requested by any person~~] in accordance with Section 53-3-109;

[(j)] (10) develop and implement a record system as required by Section 41-6-48.5;

[(k)] (11) in accordance with Section 53A-13-208, establish:

[(i)] (a) procedures and standards to certify teachers of driver education classes to administer written and driving tests;

[(ii)] (b) minimal standards for the driver education class tests; and

[(iii)] (c) procedures to enable school districts to administer or process any tests for students

to receive a class D operator's license; and

~~[(+) (12) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303[; and].~~

~~[(m) provide drivers license information, including photograph, and drivers history to licensed private investigators upon written request.]~~

~~[(2) The division may:]~~

~~[(a) collect fees under Section 53-3-105 for searching and compiling its files or furnishing a report on the driving record of a person; and]~~

~~[(b) prepare under the seal of the division and deliver upon request, a certified copy of any record of the division, and charge a fee under Section 63-38-3.2 for each document authenticated.]~~

~~[(3) Each certified copy of a driving record furnished under Subsection (1)(i) is admissible in any court proceeding in the same manner as the original.]~~

Section 3. Section **53-3-109** is enacted to read:

53-3-109. Records -- Access -- Fees -- Rulemaking.

(1) (a) Except as provided in this section, all records of the division shall be classified and disclosed in accordance with Title 63, Chapter 2, Government Records Access and Management Act.

(b) The division may only disclose personal identifying information:

(i) when the division determines it is in the interest of the public safety to disclose the information; and

(ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.

Chapter 123.

(2) A person who receives personal identifying information shall be advised by the division that the person may not:

(a) disclose the personal identifying information from that record to any other person; or

(b) use the personal identifying information from that record for advertising or solicitation purposes.

(3) The division may:

(a) collect fees in accordance with Section 53-3-105 for searching and compiling its files or

furnishing a report on the driving record of a person; and

(b) prepare under the seal of the division and deliver upon request, a certified copy of any record of the division, and charge a fee under Section 63-38-3.2 for each document authenticated.

(4) Each certified copy of a driving record furnished in accordance with this section is admissible in any court proceeding in the same manner as the original.

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division may make rules to designate what information shall be included in a report on the driving record of a person.