

Senator Mark B. Madsen proposes the following substitute bill:

DISCLOSURE OF DRIVER LICENSE

RECORDS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: Fred R. Hunsaker

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act to amend disclosure of driving record provisions.

Highlighted Provisions:

This bill:

- ▶ allows the Driver License Division to disclose portions of a driving record to an insurer or a designee of an insurer for purposes of assessing the driving risk of drivers covered by the insurer;
- ▶ requires the disclosure to include certain information to identify drivers with reportable moving traffic violations which resulted from the operation of a motor vehicle;
- ▶ requires the disclosure to be made under a contract with the insurer or its designee that specifies the criteria for searching and compiling the driving records being requested, the frequency of the disclosures, and the format of the disclosures, which may be in bulk electronic form;
- ▶ requires the contract to include a reasonable charge for the driving record disclosures; and



26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53-3-109**, as last amended by Chapters 161 and 332, Laws of Utah 2004



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

36 Section 1. Section **53-3-109** is amended to read:

37 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

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

44 (ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
45 Chapter 123.

46 (c) The division may disclose personal identifying information to a licensed private
47 investigator holding a valid agency or registrant license, with a legitimate business need.

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

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

51 or

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

54 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
55 may disclose portions of a driving record, in accordance with this Subsection (3), to an insurer
56 as defined under Section 31A-1-301, or a designee of an insurer, for purposes of assessing

57 driving risk on the insurer's current motor vehicle insurance policyholders.

58 (b) The disclosure under Subsection (3)(a) shall:

59 (i) include the licensed driver's name, driver license number, date of birth, and an
60 indication of whether the driver has had a moving traffic violation that is a reportable violation,

61 as defined under Section 53-3-102 during the previous month;

62 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
63 under a motor vehicle insurance policy of the insurer; and

64 (iii) be made under a contract with the insurer or a designee of an insurer.

65 (c) The contract under Subsection (3)(b)(iii) shall specify:

66 (i) the criteria for searching and compiling the driving records being requested;

67 (ii) the frequency of the disclosures;

68 (iii) the format of the disclosures, which may be in bulk electronic form; and

69 (iv) a reasonable charge for the driving record disclosures under Subsection (3).

70 ~~[(3)]~~ (4) The division may:

71 (a) collect fees in accordance with Section 53-3-105 for searching and compiling its
72 files or furnishing a report on the driving record of a person; and

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

76 ~~[(4)]~~ (5) Each certified copy of a driving record furnished in accordance with this
77 section is admissible in any court proceeding in the same manner as the original.

78 ~~[(5)]~~ (6) (a) A driving record furnished under this section may only report on the
79 driving record of a person for a period of ten years.

80 (b) Subsection ~~[(5)]~~ (6)(a) does not apply to court or law enforcement reports and to
81 reports of commercial driver license violations.

82 ~~[(6)]~~ (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
83 Act, the division may make rules to designate:

84 (a) what information shall be included in a report on the driving record of a person;

85 (b) the form of a report or copy of the report which may include electronic format;

86 (c) the form of a certified copy, as required under Section 53-3-216, which may include
87 electronic format;

88 (d) the form of a signature required under this chapter which may include electronic
89 format; [~~and~~]

90 (e) the form of written request to the division required under this chapter which may
91 include electronic format[-]; and

92 (f) the procedures, requirements, and formats necessary for the implementation of
93 Subsection (3).

State Impact

It is estimated that provisions of the bill will increase state revenues by \$108,000 beginning FY 2007. The Department of Public Safety will require \$106,900 in FY 2007 and \$73,800 in FY 2008 and each fiscal year thereafter from the Transportation Fund Department of Public Safety Restricted Account and 2 FTEs to implement provisions of the bill.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Transportation Fund Restr	\$106,944	\$73,808	\$108,000	\$108,000
TOTAL	\$106,944	\$73,808	\$108,000	\$108,000

Individual and Business Impact

No significant fiscal impact.
