

1 **PRIVATE INVESTIGATORS' ACCESS TO**
2 **DRIVER LICENSURE INFORMATION**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Margaret Dayton**

6 House Sponsor: Carl Wimmer

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Uniform Driver License Act regarding access to records by private
11 investigators.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ removes the provision allowing private investigators holding a registrant license
15 access to personal driver license information, but does not modify the provision
16 allowing private investigators holding an agency license to obtain personal driver
17 license information as allowed by statute.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 **AMENDS:**

24 **53-3-109**, as last amended by Laws of Utah 2006, Chapters 230 and 298

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

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

28 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

29 (1) (a) Except as provided in this section, all records of the division shall be classified

30 and disclosed in accordance with Title 63, Chapter 2, Government Records Access and
31 Management Act.

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

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

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

37 (c) The division may disclose personal identifying information:

38 (i) to a licensed private investigator holding a valid agency [~~or registrant~~] license, with a
39 legitimate business need;

40 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,
41 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,
42 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,
43 antifraud activities, rating, or underwriting for any person issued a license certificate under this
44 chapter; or

45 (iii) to a depository institution as defined in Section 7-1-103 for use in accordance with
46 the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

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

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

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

52 (b) Any use of personal identifying information by an insurer or insurance support
53 organization, or by a self-insured entity or its agents, employees, or contractors not authorized
54 by Subsection (1)(c)(ii) is:

55 (i) an unfair marketing practice under Section 31A-23a-402; or

56 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

57 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee

58 may disclose portions of a driving record, in accordance with this Subsection (3), to an insurer
59 as defined under Section 31A-1-301, or a designee of an insurer, for purposes of assessing
60 driving risk on the insurer's current motor vehicle insurance policyholders.

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

62 (i) include the licensed driver's name, driver license number, date of birth, and an
63 indication of whether the driver has had a moving traffic violation that is a reportable violation,
64 as defined under Section 53-3-102 during the previous month;

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

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

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

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

70 (ii) the frequency of the disclosures;

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

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

73 (4) The division may:

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

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

79 (c) charge reasonable fees established in accordance with the procedures and
80 requirements of Section 63-38-3.2 for disclosing personal identifying information under
81 Subsection (1)(c).

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

84 (6) (a) A driving record furnished under this section may only report on the driving
85 record of a person for a period of ten years.

86 (b) Subsection (6)(a) does not apply to court or law enforcement reports and to reports
87 of commercial driver license violations.

88 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
89 division may make rules to designate:

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

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

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

94 (d) the form of a signature required under this chapter which may include electronic
95 format;

96 (e) the form of written request to the division required under this chapter which may
97 include electronic format;

98 (f) the procedures, requirements, and formats for disclosing personal identifying
99 information under Subsection (1)(c); and

100 (g) the procedures, requirements, and formats necessary for the implementation of
101 Subsection (3).