

1 **USE OF DRIVER LICENSE INFORMATION**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Karen Hale**

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

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

9 AMENDS:

10 **41-1a-116**, as last amended by Chapter 314, Laws of Utah 1995

11 **53-3-104**, as last amended by Chapters 28 and 314, Laws of Utah 1995

12 ENACTS:

13 **53-3-109**, Utah Code Annotated 1953

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

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

16 **41-1a-116. Records -- Telephone requests for records -- Search fee.**

17 (1) (a) All records of the division are [public] protected unless the division determines
18 based upon a written request by the subject of the record that the record is [protected] public.

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

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

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

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

26 (4) In addition to those persons granted access to protected records under Section
27 63-2-202, the division may disclose a protected record to a licensed private investigator with a

28 legitimate business need, a person with a bona fide security interest, or for purposes of safety,
29 product recall, advisory notices, or statistical reports only upon receipt of a signed
30 acknowledgment that the person receiving that protected record may not:

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

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

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

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

- 42 (a) division determine if the nature of the business and the volume of requests merit the
43 dissemination of the information by telephone;

- 44 (b) division determine if the credit rating of the requesting party justifies providing a
45 billing account; and

- 46 (c) the requestor submit to the division an application that includes names and signatures
47 of persons authorized to request information by telephone and charge the fees to the billing
48 account.

49 (8) (a) The division shall charge a reasonable search fee determined under Section
50 63-38-3.2 for the research of each record requested.

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

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

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

55 **53-3-104. Division duties.**

56 [(†)] The division shall:

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

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

59 the traveling public;

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

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

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

64 [(c)] (3) license motor vehicle drivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

86 [(iii)] (c) procedures to enable school districts to administer or process any tests for
87 students to receive a class D operator's license; and

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

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

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

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

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

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

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

100 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

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

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

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

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

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

114 (3) The division may:

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

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

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

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

Legislative Review Note
as of 1-28-00 4:40 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel