

**DISCLOSURE OF VEHICLE INFORMATION
FOR PRODUCT RECALL**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Dan R. Eastman

This act modifies the Motor Vehicles Code by providing that access to division records includes all purposes permitted under federal law. This act provides that resale and disclosure of protected information is prohibited except as permitted under federal law. This act eliminates enumerated exceptions that are permitted uses under federal law.

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

AMENDS:

41-1a-116, as last amended by Chapter 256, Laws of Utah 2001

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 -- Access to records -- Fees.

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

(b) In addition to the provisions of this section, access to all division records [~~shall be in accordance with~~] is permitted for all purposes described in 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 the owner of a mobile

home park subject to Subsection (5), [~~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~~] resell or disclose information from that record to any other person except as permitted in the federal Driver's Privacy Protection Act of 1994; or

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

(5) The division may disclose the name or address, or both, of the lienholder or mobile home owner of record, or both of them, to the owner of a mobile home park, if all of the following conditions are met:

(a) a mobile home located within the mobile home park owner's park has been abandoned under Section 57-16-13 or the resident is in default under the resident's lease;

(b) the mobile home park owner has conducted a reasonable search, but is unable to determine the name or address, or both, of the lienholder or mobile home owner of record; and

(c) the mobile home park owner has submitted a written statement to the division explaining the mobile home park owner's efforts to determine the name or address, or both, of the lienholder or mobile home owner of record before the mobile home park owner contacted the division.

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

(7) 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 a written application on a form provided by the division.

(8) 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 (9) 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) 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.

(9) (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.