

1 **DRIVER LICENSE RECORDS ACCESS**
2 **AMENDMENTS**

3 2006 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Douglas C. Aagard**

6 **Senate Sponsor: Gregory S. Bell**

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Uniform Driver License Act by amending provisions related to
11 the disclosure of driver license information.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ authorizes the Driver License Division to disclose personal identifying information
15 to **↔** :

15a • **↔** certain insurance or insurance support organizations that issue motor vehicle
16 insurance for claims investigation, antifraud activities, rating, or underwriting for
17 minors or other drivers; **↔** and

17a • depository institutions for use in accordance with federal law; **↔**

18 ▶ provides that any unauthorized use of personal identifying information by certain
19 insurers or insurance support organizations is an unfair marketing practice or an
20 unfair claim settlement practice;

20a **↔** ▶ authorizes the Driver License Division to charge reasonable fees for the
20b disclosure of certain personal identifying information; **↔**

21 ▶ grants the Driver License Division rulemaking authority to designate the
22 procedures, requirements, and format for disclosing the information; and

23 ▶ makes technical changes.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill coordinates with H.B. 281 by inserting new substantive language.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53-3-109**, as last amended by Chapters 161 and 332, Laws of Utah 200431

32 *Be it enacted by the Legislature of the state of Utah:*33 Section 1. Section **53-3-109** is amended to read:34 **53-3-109. Records -- Access -- Fees -- Rulemaking.**35 (1) (a) Except as provided in this section, all records of the division shall be classified
36 and disclosed in accordance with Title 63, Chapter 2, Government Records Access and
37 Management Act.

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

39 (i) when the division determines it is in the interest of the public safety to disclose the
40 information; and41 (ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
42 Chapter 123.

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

44 (i) to a licensed private investigator holding a valid agency or registrant license, with a
45 legitimate business need[-]; ~~H→~~ [or] ~~←H~~46 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,
47 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,
48 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,
49 antifraud activities, rating, or underwriting for any person issued a license certificate under this
50 chapter ~~H→~~ ; or50a (iii) to a depository institution as defined in Section 7-1-103 for use in accordance with
50b the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123 ~~←H~~ .51 (2) (a) A person who receives personal identifying information shall be advised by the
52 division that the person may not:53 ~~[(a)]~~ (i) disclose the personal identifying information from that record to any other
54 person; or55 ~~[(b)]~~ (ii) use the personal identifying information from that record for advertising or
56 solicitation purposes.57 (b) Any use of personal identifying information by an insurer or insurance support
58 organization, or by a self-insured entity or its agents, employees, or contractors not authorized

59 by Subsection (1)(c)(ii) is:

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

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

62 (3) The division may:

63 (a) collect fees in accordance with Section 53-3-105 for searching and compiling its
64 files or furnishing a report on the driving record of a person; ~~H→~~ **[and]** ~~←H~~

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

67 authenticated ~~H→~~ ; **and**

67a **(c) charge reasonable fees established in accordance with the procedures and**
67b **requirements of Section 63-38-3.2 for disclosing personal identifying information under**
67c **Subsection (1)(c) ←H** .

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

70 (5) (a) A driving record furnished under this section may only report on the driving
71 record of a person for a period of ten years.

72 (b) Subsection (5)(a) does not apply to court or law enforcement reports and to reports
73 of commercial driver license violations.

74 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
75 division may make rules to designate:

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

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

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

80 (d) the form of a signature required under this chapter which may include electronic
81 format; **[and]**

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

84 (f) the procedures, requirements, and format for disclosing personal identifying
85 information under Subsection (1)(c) ~~H→~~ **[(ii)] ←H** .

86 **Section 2. Coordinating H.B. 169 with H.B. 281 -- Modifying substantive**
87 **language.**

88 If this H.B. 169 and H.B. 281, Privacy of Records Related to Minors, both pass, it is the
89 intent of the Legislature that the Office of Legislative Research and General Counsel, in

90 preparing the Utah Code database for publication, insert the following language as a new
91 Subsection 53-3-109(1)(d):
92 "(d) Notwithstanding the provisions of Subsection 63-2-302(2)(f), the division may
93 disclose personal identifying information under ~~H~~→ [Subsection] Subsections ~~←H~~ (1)(c)(ii)
93a ~~H~~→ and (iii) ~~←H~~ for a person under 18
94 years of age if the person has been issued a provisional license certificate under this chapter."

Legislative Review Note
as of 1-25-06 2:16 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

AMENDED BILL

State Impact

It is estimated that provisions of the bill, as amended, will increase state revenues by \$153,000 annually beginning FY 2007. The Department of Public Safety will require \$136,900 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 | \$136,900 | \$73,800 | \$153,000 | \$153,000 |
| TOTAL | \$136,900 | \$73,800 | \$153,000 | \$153,000 |

Individual and Business Impact

No significant fiscal impact.
