

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**

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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:

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

19 • depository institutions for use in accordance with federal law;

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

23 ▶ authorizes the Driver License Division to charge reasonable fees for the disclosure  
24 of certain personal identifying information;

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

27 ▶ makes technical changes.

28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53-3-109**, as last amended by Chapters 161 and 332, Laws of Utah 2004



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

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

38 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

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

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

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

48 (i) to a licensed private investigator holding a valid agency or registrant license, with a  
49 legitimate business need[-];

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

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

57 (2) (a) A person who receives personal identifying information shall be advised by the

58 division that the person may not:

59       ~~[(a)]~~ (i) disclose the personal identifying information from that record to any other  
60 person; or

61       ~~[(b)]~~ (ii) use the personal identifying information from that record for advertising or  
62 solicitation purposes.

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

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

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

68       (3) The division may:

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

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

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

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

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

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

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

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

- 86 (b) the form of a report or copy of the report which may include electronic format;
- 87 (c) the form of a certified copy, as required under Section 53-3-216, which may include
- 88 electronic format;
- 89 (d) the form of a signature required under this chapter which may include electronic
- 90 format; [~~and~~]
- 91 (e) the form of written request to the division required under this chapter which may
- 92 include electronic format[-]; and
- 93 (f) the procedures, requirements, and format for disclosing personal identifying
- 94 information under Subsection (1)(c).