

1                                   **DISCLOSURE OF DRIVER LICENSE**  
2   **RECORDS**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Mark B. Madsen**

6   House Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Uniform Driver License Act to amend disclosure of driving  
11 record provisions.

12   **Highlighted Provisions:**

13           This bill:

14           ▶ requires the Driver License Division to disclose portions of a driving record to an  
15 insurer for purposes of assessing driving risk of drivers covered by the insurer;

16           ▶ requires the disclosure to include certain information to identify drivers with  
17 reportable moving traffic violation convictions and sanctions which resulted from  
18 the operation of a motor vehicle;

19           ▶ requires the disclosure to be made under a contract with the insurer or its designee  
20 specifying the criteria for searching and compiling the driving records being  
21 requested, the frequency of the disclosures, and the format of the disclosures, which  
22 may be in bulk electronic form;

23           ▶ requires the division to charge certain fees for disclosure of certain driving record  
24 information; and

25           ▶ makes technical changes.

26   **Monies Appropriated in this Bill:**

27           None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53-3-109**, as last amended by Chapters 161 and 332, Laws of Utah 2004



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

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

36 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

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

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

45 (c) The division may disclose personal identifying information to a licensed private  
46 investigator holding a valid agency or registrant license, with a legitimate business need.

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

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

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

53 (3) (a) Notwithstanding the provisions of Subsection (1)(b)(i), the division or its  
54 designee shall disclose portions of a driving record, in accordance with this Subsection (3), to  
55 an insurer or a designee of an insurer, for purposes of assessing driving risk on behalf of an  
56 insurer as defined under Section 31A-1-103.

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

58 (i) include the licensed driver's name, driver license number, date of birth, five-digit

59 zip code, and the driver's reportable moving traffic violation convictions and sanctions which  
60 resulted from the operation of a motor vehicle, including denials, suspensions, and revocations;

61 (ii) be limited to the records of drivers who are covered under an insurance policy of  
62 the insurer; and

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

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

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

66 (ii) the frequency of the disclosures; and

67 (iii) the format of the disclosures, which may be in bulk electronic form.

68 (d) The division shall establish reasonable fees in accordance with Section 63-38-3.2  
69 for the driving record disclosures under this Subsection (3).

70 [~~3~~] (4) The division may:

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

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

76 [~~4~~] (5) Each certified copy of a driving record furnished in accordance with this  
77 section is admissible in any court proceeding in the same manner as the original.

78 [~~5~~] (6) (a) A driving record furnished under this section may only report on the  
79 driving record of a person for a period of ten years.

80 (b) Subsection [~~5~~] (6)(a) does not apply to court or law enforcement reports and to  
81 reports of commercial driver license violations.

82 [~~6~~] (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking  
83 Act, the division may make rules to designate:

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

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

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

88 (d) the form of a signature required under this chapter which may include electronic  
89 format; and

90 (e) the form of written request to the division required under this chapter which may  
91 include electronic format.

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**Legislative Review Note**

**as of 1-23-06 4:23 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**

**State Impact**

It is estimated that provisions of the bill will increase state revenues by \$108,000 beginning FY 2007. The Department of Public Safety will require \$106,900 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	\$106,900	\$73,800	\$108,000	\$108,000
<b>TOTAL</b>	<b>\$106,900</b>	<b>\$73,800</b>	<b>\$108,000</b>	<b>\$108,000</b>

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**Individual and Business Impact**

No significant fiscal impact.

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