

1 **VEHICLE REGISTRATION RECORDS AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd Weiler**

5 House Sponsor: Melissa G. Ballard

6

7 **LONG TITLE**

8 **General Description:**

9 This bill prohibits the Motor Vehicle Division from disclosing a protected record to an
10 owner, lessee, or operator of a $\hat{S} \rightarrow$ [private] $\leftarrow \hat{S}$ parking lot or structure.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ prohibits the Motor Vehicle Division from disclosing a protected record to an
- 14 owner, lessee, or operator of a $\hat{S} \rightarrow$ [private] $\leftarrow \hat{S}$ parking lot or structure; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **41-1a-116**, as last amended by Laws of Utah 2011, Chapter 243

23

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

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

26 **41-1a-116. Records -- Access to records -- Fees.**

27 (1) (a) All motor vehicle title and registration records of the division are protected

S.B. 125



28 unless the division determines based upon a written request by the subject of the record that the
29 record is public.

30 (b) In addition to the provisions of this section, access to all division records is
31 permitted for all purposes described in the federal Driver's Privacy Protection Act of 1994, 18
32 U.S.C. Chapter 123.

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

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

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

38 (4) (a) In addition to those persons granted access to protected records under Section
39 63G-2-202, the division shall disclose a protected record to a licensed private investigator,
40 holding a valid agency or registrant license, with a legitimate business need, a person with a
41 bona fide security interest, or the owner of a mobile home park subject to Subsection (5), only
42 upon receipt of a signed acknowledgment that the person receiving that protected record may
43 not:

44 (i) resell or disclose information from that record to any other person except as
45 permitted in the federal Driver's Privacy Protection Act of 1994; or

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

47 (b) A legitimate business need under Subsection (4)(a) does not include the collection
48 of a debt.

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

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

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

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

59 the division.

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

62 (7) A person allowed access to protected records under Subsection (4) may request
63 motor vehicle title or registration information from the division regarding any person, entity, or
64 motor vehicle by submitting a written application on a form provided by the division.

65 (8) The division may not disclose a protected record to an owner, lessee, or operator of
66 a ~~§~~ ~~private~~ ~~←~~ ~~§~~ parking lot or structure.

67 ~~[(8)]~~ (9) If a person regularly requests information for business purposes, the division
68 may by rule allow the information requests to be made by telephone and fees as required under
69 Subsection ~~[(9)]~~ (10) charged to a division billing account to facilitate division service. The
70 rules shall require that the:

71 (a) division determine if the nature of the business and the volume of requests merit the
72 dissemination of the information by telephone;

73 (b) division determine if the credit rating of the requesting party justifies providing a
74 billing account; and

75 (c) requestor submit to the division an application that includes names and signatures
76 of persons authorized to request information by telephone and charge the fees to the billing
77 account.

78 ~~[(9)]~~ (10) (a) The division shall charge a reasonable search fee determined under
79 Section ~~63J-1-504~~ for the research of each record requested.

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

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

83 ~~[(10)]~~ (11) (a) It is a class B misdemeanor for a person to knowingly or intentionally
84 access, use, disclose, or disseminate a record created or maintained by the division or any
85 information contained in a record created or maintained by the division for a purpose
86 prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

87 (b) A person who discovers or becomes aware of any unauthorized use of records
88 created or maintained by the division shall inform the director of the unauthorized use.