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LAW/IS 6/10/08

P.L. 2007, CHAPTER 285, *approved January 13, 2008*
Senate Committee Substitute for
Senate, No. 2480

1 AN ACT concerning motor vehicles and supplementing Title 39 of
2 the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Upon request, the Motor Vehicle Commission shall provide
8 the parent or guardian of a special learner's permit holder, an
9 examination permit holder, or a provisional license holder under 18
10 years of age with information pertaining to the driving privilege
11 status and any vehicular accident or violation information on the
12 minor's driving record. When requesting this information about the
13 minor's driving record, the parent or guardian shall be required to
14 provide the parent or guardian's name, date of birth, address, and
15 driver license number as well as the name, date of birth, address,
16 and driver license number of the permit or provisional license
17 holder.

18
19 2. This act shall take effect immediately.

20

21

22

23

24 Requires MVC to provide minor's motor vehicle record to parent
25 or guardian.

SENATE, No. 2480

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 22, 2007

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex)

SYNOPSIS

Allows parent or guardian access to minor's driving record.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning disclosure of certain motor vehicle records and
2 amending P.L.1997, c.188.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read
8 as follows:

9 2. a. Notwithstanding the provisions of P.L.1963, c.73
10 (C.47:1A-1 et seq.) or any other law to the contrary, except as
11 provided in this act, the **[Division of Motor Vehicles]** Motor
12 Vehicle Commission and any officer, employee or contractor
13 thereof shall not knowingly disclose or otherwise make available to
14 any person personal information about any individual obtained by
15 the **[division]** commission in connection with a motor vehicle
16 record.

17 b. A person requesting a motor vehicle record including
18 personal information shall produce proper identification and shall
19 complete and submit a written request form provided by the
20 **[director]** chief administrator for the **[division's]** commission's
21 approval. The written request form shall bear notice that the
22 making of false statements therein is punishable and shall include,
23 but not be limited to, the requestor's name and address; the
24 requestor's driver's license number or corporate identification
25 number; the requestor's reason for requesting the record; the driver's
26 license number or the name, address and birth date of the person
27 whose driver record is requested; the license plate number or VIN
28 number of the vehicle for which a record is requested; any
29 additional information determined by the **[director]** chief
30 administrator to be appropriate and the requestor's certification as to
31 the truth of the foregoing statements. Prior to the approval of the
32 written request form, the **[division]** commission may also require
33 the requestor to submit documentary evidence supporting the reason
34 for the request.

35 In lieu of completing a written request form for each record
36 requested, the **[division]** commission may permit a person to
37 complete and submit for approval of the **[director]** chief
38 administrator or the **[director's]** chief administrator's designee, on a
39 case by case basis, a written application form for participation in a
40 public information program on an ongoing basis. The written
41 application form shall bear notice that the making of false
42 statements therein is punishable and shall include, but not be
43 limited to, the applicant's name, address and telephone number; the
44 nature of the applicant's business activity; a description of each of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the applicant's intended uses of the information contained in the
2 motor vehicle records to be requested; the number of employees
3 with access to the information; the name, title and signature of the
4 authorized company representative; and any additional information
5 determined by the **[director]** chief administrator to be appropriate.
6 The **[director]** chief administrator may also require the applicant to
7 submit a copy of its business credentials, such as license to do
8 business or certificate of incorporation. Prior to approval by the
9 **[director]** chief administrator or the **[director's]** chief
10 administrator's designee, the applicant shall certify in writing as to
11 the truth of all statements contained in the completed application
12 form.

13 c. Personal information shall be disclosed for use in connection
14 with matters of motor vehicle or driver safety and theft; motor
15 vehicle emissions; motor vehicle product alterations, recalls or
16 advisories; performance monitoring of motor vehicles and dealers
17 by motor vehicle manufacturers; and removal of non-owner records
18 from the original owner records of motor vehicle manufacturers to
19 carry out the purposes of the Automobile Information Disclosure
20 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving
21 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety
22 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,
23 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be
24 disclosed as follows:

25 (1) For use by any government agency, including any court or
26 law enforcement agency in carrying out its functions, or any private
27 person or entity acting on behalf of a federal, State or local agency
28 in carrying out its functions.

29 (2) For use in connection with matters of motor vehicle or driver
30 safety and theft; motor vehicle emissions; motor vehicle product
31 alterations, recalls, or advisories; performance monitoring of motor
32 vehicles, motor vehicle parts and dealers; motor vehicle market
33 research activities, including survey research; and the removal of
34 non-owner records from the original owner records of motor vehicle
35 manufacturers.

36 (3) For use in the normal course of business by a legitimate
37 business or its agents, employees or contractors, but only:

38 (a) to verify the accuracy of personal information submitted by
39 the individual to the business or its agents, employees, or
40 contractors; and

41 (b) if such information as so submitted is not correct or is no
42 longer correct, to obtain the correct information, but only for the
43 purposes of preventing fraud by, pursuing legal remedies against, or
44 recovering on a debt or security interest against the individual.

45 (4) For use in connection with any civil, criminal, administrative
46 or arbitral proceeding in any federal, State or local court or agency
47 or before any self-regulatory body, including service of process,
48 investigation in anticipation of litigation, and the execution or

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1 enforcement of judgments and orders, or pursuant to an order of a
2 federal, State or local court.

3 (5) For use in research activities, and for use in producing
4 statistical reports, so long as the personal information is not
5 published, redisclosed, or used to contact individuals.

6 (6) For use by any insurer or insurance support organization, or
7 by a self-insured entity, or its agents, employees, or contractors, in
8 connection with claims investigation activities, antifraud activities,
9 rating or underwriting.

10 (7) For use in providing notice to the owners of towed or
11 impounded vehicles.

12 (8) For use by an employer or its agent or insurer to obtain or
13 verify information relating to a holder of a commercial driver's
14 license that is required under the "Commercial Motor Vehicle
15 Safety Act," 49 U.S.C.App.s.2710 et seq.

16 (9) For use in connection with the operation of private toll
17 transportation facilities.

18 (10) For use by any requester, if the requester demonstrates it has
19 obtained the notarized written consent of the individual to whom
20 the information pertains.

21 (11) For product and service mail communications from
22 automotive-related manufacturers, dealers and businesses, if the
23 division has implemented methods and procedures to ensure that:

24 (a) individuals are provided an opportunity, in a clear and
25 conspicuous manner, to prohibit such uses; and

26 (b) product and service mail communications from automotive-
27 related manufacturers, dealers and businesses will not be directed at
28 individuals who exercise their option under subparagraph (a) of this
29 paragraph.

30 (12) For use by a requester who demonstrates that they are the
31 parent, guardian or other person with legal custody of an individual,
32 under the age of 18, to whom the requested information pertains.

33 d. As provided by the federal "Drivers' Privacy Protection Act
34 of 1994," Pub.L. 103-322, a person authorized to receive personal
35 information under paragraphs (1) through (10) of subsection c. of
36 this section may resell or redisclose the personal information only
37 for a use permitted by paragraphs (1) through (10) of subsection c.
38 of this section subject to regulation by the **[division]** commission.
39 A person authorized to receive personal information under
40 paragraph (11) of subsection c. of this section may resell or
41 redisclose the personal information pursuant to paragraph (11) of
42 subsection c. of this section subject to regulation by the **[division]**
43 commission.

44 e. As provided by the federal "Drivers' Privacy Protection Act
45 of 1994," Pub.L. 103-322, a person authorized to receive personal
46 information under this section who resells or rediscloses personal
47 information covered by the provisions of this act shall keep for a
48 period of five years records identifying each person or entity that

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5

1 receives information and the permitted purpose for which the
2 information will be used and shall make such records available to
3 the **[division]** commission upon request. Any person who receives,
4 from any source, personal information from a motor vehicle record
5 shall release or disclose that information only in accordance with
6 this act.

7 f. The release of personal information under this section shall
8 not include an individual's social security number except in
9 accordance with applicable State or federal law.

10 (cf: P.L.1997, c.188, s.2)

11

12 2. This act shall take effect immediately.

13

14

15 STATEMENT

16

17 This bill would amend current law to allow a parent or guardian
18 to access the motor vehicle record of their child, on the condition
19 that the child is under the age of 18. It is the sponsor's belief that
20 this bill would enhance driver safety as well as promote a parent's
21 ability to adequately supervise a new driver's actions on the road.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2480

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2007

The Assembly Transportation and Public Works Committee reports favorably Senate Committee Substitute for Senate Bill No. 2480.

The substitute bill provides that upon request, the New Jersey Motor Vehicle Commission is to provide the parent or guardian of a special learner's permit holder, an examination permit holder, or a provisional license holder under 18 years of age with information pertaining to the driving privilege status and any vehicular accident or violation information on the minor's driving record. The parent or guardian must supply the parent or guardian's name, date of birth, address, and driver license number, as well as the name, date of birth, address, and driver license number of the permit or provisional license holder.

As reported, Senate Committee Substitute for Senate Bill No. 2480 is identical to Assembly Committee Substitute for Assembly Bill No. 3975 which was also reported by the committee today.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2480

STATE OF NEW JERSEY

DATED: JANUARY 29, 2007

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 2480.

The substitute bill provides that upon request, the New Jersey Motor Vehicle Commission is to provide the parent or guardian of a special learner's permit holder, an examination permit holder, or a provisional license holder under 18 years of age with information pertaining to the driving privilege status and any vehicular accident or violation information on the minor's driving record. The parent or guardian must supply the parent or guardian's name, date of birth, address, and driver license number, as well as the name, date of birth, address, and driver license number of the permit or provisional license holder.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2480
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JANUARY 10, 2008

SUMMARY

Synopsis: Requires MVC to provide minor’s motor vehicle record to parent or guardian.

Type of Impact: Ongoing indeterminate increase to MVC.

Agencies Affected: Motor Vehicle Commission.

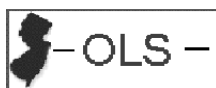
Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate- See comments below		

- The increased activity will have an unknown impact on Motor Vehicle Commission (MVC) resources. However, given the nature of the records database, the activity is possibly absorbable by MVC’s current resources.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 2480 of 2007 proposes to require the New Jersey Motor Vehicle Commission to provide the parent or guardian of a special learner's permit holder, an examination permit holder, or a provisional license holder under 18 years of age with information pertaining to the driving privilege status and any vehicular accident or violation information on the minor's driving record, upon request. The parent or guardian must supply the parent or guardian's name, date of birth, address, and driver license number, as well as the name, date of birth, address, and driver license number of the permit or provisional license holder.



FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Information is not available to estimate the cost impact of the ongoing activity increase to the MVC. However, the proposal would seem to require only marginal increased activity, providing records that are already in existence. It is possible that this activity can be absorbed by the Commission's current resources.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Mark J. Trease
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

ASSEMBLY, No. 3975

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 8, 2007

Sponsored by:

**Assemblywoman BONNIE WATSON COLEMAN
District 15 (Mercer)**

Co-Sponsored by:

Assemblyman Payne

SYNOPSIS

Allows parent or guardian access to minor's driving record.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2007)

1 AN ACT concerning disclosure of certain motor vehicle records and
2 amending P.L.1997, c.188.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read
8 as follows:

9 2. a. Notwithstanding the provisions of P.L.1963, c.73
10 (C.47:1A-1 et seq.) or any other law to the contrary, except as
11 provided in this act, the **[Division of Motor Vehicles]** Motor
12 Vehicle Commission and any officer, employee or contractor
13 thereof shall not knowingly disclose or otherwise make available to
14 any person personal information about any individual obtained by
15 the **[division]** commission in connection with a motor vehicle
16 record.

17 b. A person requesting a motor vehicle record including
18 personal information shall produce proper identification and shall
19 complete and submit a written request form provided by the
20 **[director]** chief administrator for the **[division's]** commission's
21 approval. The written request form shall bear notice that the
22 making of false statements therein is punishable and shall include,
23 but not be limited to, the requestor's name and address; the
24 requestor's driver's license number or corporate identification
25 number; the requestor's reason for requesting the record; the driver's
26 license number or the name, address and birth date of the person
27 whose driver record is requested; the license plate number or VIN
28 number of the vehicle for which a record is requested; any
29 additional information determined by the **[director]** chief
30 administrator to be appropriate and the requestor's certification as to
31 the truth of the foregoing statements. Prior to the approval of the
32 written request form, the **[division]** commission may also require
33 the requestor to submit documentary evidence supporting the reason
34 for the request.

35 In lieu of completing a written request form for each record
36 requested, the **[division]** commission may permit a person to
37 complete and submit for approval of the **[director]** chief
38 administrator or the **[director's]** chief administrator's designee, on a
39 case by case basis, a written application form for participation in a
40 public information program on an ongoing basis. The written
41 application form shall bear notice that the making of false
42 statements therein is punishable and shall include, but not be
43 limited to, the applicant's name, address and telephone number; the
44 nature of the applicant's business activity; a description of each of
45 the applicant's intended uses of the information contained in the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 motor vehicle records to be requested; the number of employees
2 with access to the information; the name, title and signature of the
3 authorized company representative; and any additional information
4 determined by the **【director】** chief administrator to be appropriate.
5 The **【director】** chief administrator may also require the applicant to
6 submit a copy of its business credentials, such as license to do
7 business or certificate of incorporation. Prior to approval by the
8 **【director】** chief administrator or the **【director's】** chief
9 administrator's designee, the applicant shall certify in writing as to
10 the truth of all statements contained in the completed application
11 form.

12 c. Personal information shall be disclosed for use in connection
13 with matters of motor vehicle or driver safety and theft; motor
14 vehicle emissions; motor vehicle product alterations, recalls or
15 advisories; performance monitoring of motor vehicles and dealers
16 by motor vehicle manufacturers; and removal of non-owner records
17 from the original owner records of motor vehicle manufacturers to
18 carry out the purposes of the Automobile Information Disclosure
19 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving
20 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety
21 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,
22 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be
23 disclosed as follows:

24 (1) For use by any government agency, including any court or
25 law enforcement agency in carrying out its functions, or any private
26 person or entity acting on behalf of a federal, State or local agency
27 in carrying out its functions.

28 (2) For use in connection with matters of motor vehicle or driver
29 safety and theft; motor vehicle emissions; motor vehicle product
30 alterations, recalls, or advisories; performance monitoring of motor
31 vehicles, motor vehicle parts and dealers; motor vehicle market
32 research activities, including survey research; and the removal of
33 non-owner records from the original owner records of motor vehicle
34 manufacturers.

35 (3) For use in the normal course of business by a legitimate
36 business or its agents, employees or contractors, but only:

37 (a) to verify the accuracy of personal information submitted by
38 the individual to the business or its agents, employees, or
39 contractors; and

40 (b) if such information as so submitted is not correct or is no
41 longer correct, to obtain the correct information, but only for the
42 purposes of preventing fraud by, pursuing legal remedies against, or
43 recovering on a debt or security interest against the individual.

44 (4) For use in connection with any civil, criminal, administrative
45 or arbitral proceeding in any federal, State or local court or agency
46 or before any self-regulatory body, including service of process,
47 investigation in anticipation of litigation, and the execution or

1 enforcement of judgments and orders, or pursuant to an order of a
2 federal, State or local court.

3 (5) For use in research activities, and for use in producing
4 statistical reports, so long as the personal information is not
5 published, redisclosed, or used to contact individuals.

6 (6) For use by any insurer or insurance support organization, or
7 by a self-insured entity, or its agents, employees, or contractors, in
8 connection with claims investigation activities, antifraud activities,
9 rating or underwriting.

10 (7) For use in providing notice to the owners of towed or
11 impounded vehicles.

12 (8) For use by an employer or its agent or insurer to obtain or
13 verify information relating to a holder of a commercial driver's
14 license that is required under the "Commercial Motor Vehicle
15 Safety Act," 49 U.S.C.App.s.2710 et seq.

16 (9) For use in connection with the operation of private toll
17 transportation facilities.

18 (10) For use by any requester, if the requester demonstrates it
19 has obtained the notarized written consent of the individual to
20 whom the information pertains.

21 (11) For product and service mail communications from
22 automotive-related manufacturers, dealers and businesses, if the
23 division has implemented methods and procedures to ensure that:

24 (a) individuals are provided an opportunity, in a clear and
25 conspicuous manner, to prohibit such uses; and

26 (b) product and service mail communications from automotive-
27 related manufacturers, dealers and businesses will not be directed at
28 individuals who exercise their option under subparagraph (a) of this
29 paragraph.

30 (12) For use by a requester who demonstrates that they are the
31 parent, guardian or other person with legal custody of an individual,
32 under the age of 18, to whom the requested information pertains.

33 d. As provided by the federal "Drivers' Privacy Protection Act of
34 1994," Pub.L. 103-322, a person authorized to receive personal
35 information under paragraphs (1) through (10) of subsection c. of
36 this section may resell or redisclose the personal information only
37 for a use permitted by paragraphs (1) through (10) of subsection c.
38 of this section subject to regulation by the **[division]** commission.
39 A person authorized to receive personal information under
40 paragraph (11) of subsection c. of this section may resell or
41 redisclose the personal information pursuant to paragraph (11) of
42 subsection c. of this section subject to regulation by the **[division]**
43 commission.

44 e. As provided by the federal "Drivers' Privacy Protection Act of
45 1994," Pub.L. 103-322, a person authorized to receive personal
46 information under this section who resells or rediscloses personal
47 information covered by the provisions of this act shall keep for a
48 period of five years records identifying each person or entity that

1 receives information and the permitted purpose for which the
2 information will be used and shall make such records available to
3 the **[division]** commission upon request. Any person who receives,
4 from any source, personal information from a motor vehicle record
5 shall release or disclose that information only in accordance with
6 this act.

7 f. The release of personal information under this section shall
8 not include an individual's social security number except in
9 accordance with applicable State or federal law.
10 (cf: P.L.1997, c.188, s.2)

11

12 2. This act shall take effect immediately.

13

14

15

STATEMENT

16

17 This bill would amend current law to allow a parent or guardian
18 to access the motor vehicle record of their child, on the condition
19 that the child is under the age of 18. It is the sponsor's belief that
20 this bill would enhance driver safety as well as promote a parent's
21 ability to adequately supervise a new driver's actions on the road.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3975

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2007

The Assembly Transportation and Public Works Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 3975.

The substitute bill provides that upon request, the New Jersey Motor Vehicle Commission is to provide the parent or guardian of a special learner's permit holder, an examination permit holder, or a provisional license holder under 18 years of age with information pertaining to the driving privilege status and any vehicular accident or violation information on the minor's driving record. The parent or guardian must supply the parent or guardian's name, date of birth, address, and driver license number, as well as the name, date of birth, address, and driver license number of the permit or provisional license holder.

As reported, Assembly Committee Substitute for Assembly Bill No. 3975 is identical to Senate Committee Substitute for Senate Bill No. 2480 which was also reported by the committee today.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3975
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JANUARY 14, 2008

SUMMARY

Synopsis: Requires MVC to provide minor's motor vehicle record to parent or guardian.

Type of Impact: Ongoing indeterminate increase to MVC.

Agencies Affected: Motor Vehicle Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate- See comments below		

- The increased activity will have an unknown impact on Motor Vehicle Commission (MVC) resources. However, given the nature of the records database, the activity is possibly absorbable by MVC's current resources.

BILL DESCRIPTION

Assembly Committee Substitute for Assembly Bill No. 3975 of 2007 proposes to require the New Jersey Motor Vehicle Commission to provide the parent or guardian of a special learner's permit holder, an examination permit holder, or a provisional license holder under 18 years of age with information pertaining to the driving privilege status and any vehicular accident or violation information on the minor's driving record, upon request. The parent or guardian must supply the parent or guardian's name, date of birth, address, and driver license number, as well as the name, date of birth, address, and driver license number of the permit or provisional license holder.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Information is not available to estimate the cost impact of the ongoing activity increase to the MVC. However, the proposal would seem to require only marginal increased activity, providing records that are already in existence. It is possible that this activity can be absorbed by the Commission's current resources.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Mark Trease
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C. 52:13B-1 et seq.).