

LEGISLATIVE HISTORY CHECKLIST

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"Drivers Privacy Protection Act"

NJSA: 39:2-3.3 to 39.2-3.7

LAWS OF: 1997 CHAPTER: 188

BILL NO: S1302

SPONSOR(S): Ciesla and others

DATE INTRODUCED: June 13, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Transportation

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Third reprint (CC) enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 23, 1997

SENATE: June 16, 1996

DATE OF APPROVAL: August 5, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement adopted
5-22-97

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"New laws give drivers privacy protection," 8-6-97, Star Ledger."Access to DMV data limited," 8-6-97, Home News.

KBP:pp

[Passed Both Houses]

[Corrected Copy]

[Third Reprint]

SENATE, No. 1302

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1996

By Senators CIESLA, SACCO, Singer, Cardinale, Adler,
Assemblyman Bucco, Assemblywoman Heck, Assemblymen
Bagger, Impreveduto, Wisniewski, Bodine, Zecker,
Assemblywoman Farragher and Assemblyman Talarico

1 AN ACT concerning motor vehicle records and supplementing chapter
2 2 of Title 39 of the ³[Revises] Revised³ Statutes.

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

6
7 1. As used in this act:

8 "Director" means the Director of the Division of Motor Vehicles in
9 the Department of Transportation.

10 "Division" means the Division of Motor Vehicles in the Department
11 of Transportation.

12 "Motor vehicle record" means any record that pertains to a motor
13 vehicle operator's permit, driver's license,¹ motor vehicle title, motor
14 vehicle registration, or identification card issued by the Division of
15 Motor Vehicles.

16 "Person" means an individual, organization or entity, but does not
17 include the State or a political subdivision thereof.

18 "Personal information" means information that identifies an
19 individual, including an individual's photograph; social security
20 number; driver identification number; name; address other than the
21 five-digit zip code; telephone number; and medical or disability

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted November 18, 1996.

² Senate floor amendments adopted November 25, 1996.

³ Senate floor amendments adopted May 22, 1997.

1 information, but does not include information on vehicular accidents,
2 driving violations, and driver's status.

3
4 2. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1
5 et seq.) or any other law to the contrary, except as provided in
6 ³[subsection b. of this section] this act ³, the Division of Motor
7 Vehicles and any officer, employee or contractor thereof shall not
8 knowingly disclose or otherwise make available to any person
9 personal information about any individual obtained by the division in
10 connection with a motor vehicle record.

11 b. ³[¹Persons or entities requesting public information including
12 personal information shall properly identify themselves. ¹] A person
13 requesting a motor vehicle record including personal information shall
14 produce proper identification and shall complete and submit a written
15 request form provided by the director for the division's approval. The
16 written request form shall bear notice that the making of false
17 statements therein is punishable and shall include, but not be limited
18 to, the requestor's name and address; the requestor's driver's license
19 number or corporate identification number; the requestor's reason for
20 requesting the record; the driver's license number or the name, address
21 and birth date of the person whose driver record is requested; the
22 license plate number or VIN number of the vehicle for which a record
23 is requested; any additional information determined by the director to
24 be appropriate and the requestor's certification as to the truth of the
25 foregoing statements. Prior to the approval of the written request
26 form, the division may also require the requestor to submit
27 documentary evidence supporting the reason for the request.

28 In lieu of completing a written request form for each record
29 requested, the division may permit a person to complete and submit
30 for approval of the director or the director's designee, on a case by
31 case basis, a written application form for participation in a public
32 information program on an ongoing basis. The written application
33 form shall bear notice that the making of false statements therein is
34 punishable and shall include, but not be limited to, the applicant's
35 name, address and telephone number; the nature of the applicant's
36 business activity; a description of each of the applicant's intended uses
37 of the information contained in the motor vehicle records to be
38 requested; the number of employees with access to the information;
39 the name, title and signature of the authorized company representative;
40 and any additional information determined by the director to be
41 appropriate. The director may also require the applicant to submit a
42 copy of its business credentials, such as license to do business or
43 certificate of incorporation. Prior to approval by the director or the
44 director's designee, the applicant shall certify in writing as to the truth
45 of all statements contained in the completed application form.

46 c. ³ Personal information shall be disclosed for use in connection

1 with matters of motor vehicle or driver safety and theft; motor vehicle
2 emissions; motor vehicle product alterations, recalls or advisories;
3 performance monitoring of motor vehicles and dealers by motor
4 vehicle manufacturers; and removal of non-owner records from the
5 original owner records of motor vehicle manufacturers to carry out the
6 purposes of the Automobile Information Disclosure Act, Pub.L.85-
7 506, the Motor Vehicle Information and Cost Saving Act, Pub.L.92-
8 513, the National Traffic and Motor Vehicle Safety Act of 1966,
9 Pub.L.89-563, the Anti-Car Theft Act of 1992, Pub.L.102-519, and
10 the Clean Air Act, Pub.L.88-206, and may be disclosed as follows:

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

15 (2) For use in connection with matters of motor vehicle or driver
16 safety and theft; motor vehicle emissions; motor vehicle product
17 alterations, recalls, or advisories; performance monitoring of motor
18 vehicles, motor vehicle parts and dealers; motor vehicle market
19 research activities, including survey research; and the removal of non-
20 owner records from the original owner records of motor vehicle
21 manufacturers.

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

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

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

30 (4) For use in connection with any civil, criminal, administrative or
31 arbitral proceeding in any federal, State or local court or agency or
32 before any self-regulatory body, including service of process,
33 investigation in anticipation of litigation, and the execution or
34 enforcement of judgments and orders, or pursuant to an order of a
35 federal, State or local court.

36 (5) For use in research activities, and for use in producing
37 statistical reports ¹【for automotive-related purposes】¹, so long as the
38 personal information is not published, redisclosed, or used to contact
39 individuals.

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

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

46 (8) ¹【For use by any licensed private investigative agency or

1 licensed security service for any purpose permitted under this
2 subsection.

3 (9)]¹ For use by an employer or its agent or insurer to obtain or
4 verify information relating to a holder of a commercial driver's license
5 that is required under the "Commercial Motor Vehicle Safety Act," 49
6 U.S.C.App. §2710 et seq..

7 ¹[(10)] ~~(9)~~¹ For use in connection with the operation of private
8 toll transportation facilities.

9 ¹[(11)] (10)¹ For use by any requester, if the requester
10 demonstrates it has obtained the ³notarized³ written consent of the
11 individual to whom the information pertains.

12 ¹[(12) For bulk distribution for surveys, marketing or solicitations
13 for automotive-related* purposes if the division has implemented
14 methods and procedures to ensure that:

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

17 (b) the information will be used, rented or sold solely for bulk
18 distribution for surveys, marketing, and solicitations, and that surveys,
19 marketing and solicitations will not be directed at those individuals
20 who have requested in a timely fashion that they not be directed at
21 them.] (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.¹

30 ³[c.] d.³ ¹[A person authorized to receive personal information
31 under paragraphs (1) through (11) of subsection b. of this section may
32 resell or disclose the personal information only for a use permitted by
33 paragraphs (1) through (11) of subsection b. of this section.

34 A] As provided by the federal "Drivers' Privacy Protection Act of
35 1994," Pub.L. 103-202, a¹ person authorized to receive personal
36 information under ¹[paragraph (12)] paragraphs (1) through ²[(11)]¹
37 (10)² of subsection ³[b.] c.³ of this section may resell or redisclose
38 the¹ personal information only ¹[as provided in paragraph (12)] for
39 a use permitted by paragraphs (1) through ²[(11)]¹ (10)² of
40 subsection ³[b.] c.³ of this section ¹subject to regulation by the
41 division¹. ²A person authorized to receive personal information under
42 paragraph (11) of subsection ³[b.]c.³ of this section may resell or
43 redisclose the personal information pursuant to paragraph (11) of
44 subsection ³[b.]c.³ of this section subject to regulation by the
45 division.²

1 ³[d.] e.³ ¹[Any] As provided by the federal "Drivers' Privacy
 2 Protection Act of 1994," Pub.L. 103-202, a¹ person authorized to
 3 receive personal information under this section who resells or
 4 ¹[discloses] rediscloses¹ personal information covered by the
 5 provisions of this act shall keep ¹for a period of five years¹ records
 6 identifying each person or entity that receives information and the
 7 permitted purpose for which the information will be used ¹[for a
 8 period of five years]¹ and ¹[must] shall¹ make such records available
 9 to the division upon request. ³Any person who receives, from any
 10 source, personal information from a motor vehicle record shall release
 11 or disclose that information only in accordance with this act.³

12 ¹ ³[e.] f.³ The release of personal information under this section
 13 shall not include an individual's social security number except in
 14 accordance with applicable State or federal law.¹

15
 16 3. A person who knowingly obtains or discloses personal
 17 information from a motor vehicle record for any use not permitted
 18 under section 2 of P.L. , c. (C.) (now before the Legislature as
 19 this bill) is guilty of a ³[disorderly persons offense] crime of the
 20 fourth degree³.

21
 22 ³[4. A person who makes a false representation to obtain any
 23 personal information from an individual's motor vehicle record shall
 24 be guilty of a disorderly persons offense.]³

25
 26 ³[5.] 4.³ a. A person who knowingly obtains, discloses or uses
 27 personal information from a motor vehicle record for a purpose not
 28 permitted under this act shall be liable to the individual to whom the
 29 information pertains, who may bring a civil action in the Superior
 30 Court.

31 b. The court may award:

32 (1) actual damages, but not less than liquidated damages in the
 33 amount of \$2,500;

34 (2) punitive damages upon proof of willful or reckless disregard of
 35 the law;

36 (3) reasonable attorney's fees and other litigation costs reasonably
 37 incurred; and

38 (4) such other preliminary and equitable relief as the court
 39 determines to be appropriate.

40
 41 ³5. Nothing in this act shall be construed as authorizing the
 42 division to obtain personal information, except as provided in
 43 subsection b. of section 2 of this act.³

44
 45 6. This act shall take effect ²[September 13, 1997, but the Director

1 of the Division of Motor Vehicles is authorized to take any action in
2 advance as shall be necessary to implement the provisions of this act】
3 immediately but shall be inoperative until the 31st day after
4 enactment².

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9 Implements federal "Driver's Privacy Protection Act."

1 amount of \$2,500;

2 (2) punitive damages upon proof of willful or reckless disregard of
3 the law;

4 (3) reasonable attorney's fees and other litigation costs reasonably
5 incurred; and

6 (4) such other preliminary and equitable relief as the court
7 determines to be appropriate.

8

9 6. This act shall take effect September 13, 1997, but the Director
10 of the Division of Motor Vehicles is authorized to take any action in
11 advance as shall be necessary to implement the provisions of this act.

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STATEMENT

15

16 This bill would implement the provisions of the federal "Driver's
17 Privacy Protection Act of 1994," Pub.L.103-202, which prohibits
18 States from disclosing personal information contained in motor vehicle
19 records except under certain circumstances.

20 This bill would prohibit the Division of Motor Vehicles (DMV)
21 from disclosing personal information except for use in connection with
22 matters of motor vehicle or driver safety and theft; motor vehicle
23 emissions; motor vehicle product alterations, recalls or advisories;
24 performance monitoring of motor vehicles and dealers by motor
25 vehicle manufacturers; and removal of non-owner records from the
26 original owner records of motor vehicle manufacturers.

27 The bill further authorizes the DMV to disclose personal
28 information in 12 circumstances, including, in part:

29 For use by any government agency, including any court or law
30 enforcement agency in carrying out its functions, or any private person
31 or entity acting on behalf of a Federal State or local agency in carrying
32 out its functions;

33 For use in the normal course of business by a legitimate business or
34 its agents, employees or contractors, but only: (a) to verify the
35 accuracy of personal information submitted by the individual to the
36 business or its agents, employees, or contractors; and (b) if such
37 information as so submitted is not correct or is no longer correct, to
38 obtain the correct information, but only for the purposes of preventing
39 fraud by, pursuing legal remedies against, or recovering on a debt or
40 security interest against the individual;

41 For use in connection with any civil, criminal, administrative or
42 arbitral proceeding in any federal, State or local court or agency or
43 before any self-regulatory body, including service of process,
44 investigation in anticipation of litigation, and the execution or
45 enforcement of judgments and orders, or pursuant to an order of a
46 federal, State or local court; and

1 For use by an employer or its agent or insurer to obtain or verify
2 information relating to a holder of a commercial driver's license that
3 is required under the "Commercial Motor Vehicle Safety Act," 49
4 U.S.C.App. §2710 et seq.

5 Personal information is defined as any information that identifies an
6 individual, including an individual's photograph; social security
7 number; driver identification number; name; address other than the
8 five-digit zip code; telephone number; and medical or disability
9 information, but does not include information on vehicular accidents,
10 driving violations, and driver's status. Motor vehicle record is defined
11 to include any record that pertains to a motor vehicle operator's
12 permit, motor vehicle title, motor vehicle registration, or identification
13 card issued by the DMV.

14 A person authorized to receive personal information under the act
15 would be able to resell or disclose the personal information only for a
16 use permitted under the act. The bill further requires that a person
17 authorized to receive personal information who resells or rediscloses
18 personal information covered by the act must keep records identifying
19 each person or entity that receives the information and the permitted
20 purpose for which the information will be used for a period of five
21 years and must make those records available to the DMV upon
22 request.

23 The bill provides penalties for unauthorized disclosure of personal
24 information. A person who knowingly obtains or discloses personal
25 information would be guilty of a disorderly persons offense. A person
26 who makes a false representation to obtain any personal information
27 from an individual's motor vehicle record would be guilty of a
28 disorderly persons offense. A disorderly persons offense is punishable
29 by a term of imprisonment not to exceed six months or a fine not to
30 exceed \$1,000 or both.

31 Finally, the bill provides that a person who knowingly obtains,
32 discloses or uses personal information from a motor vehicle record for
33 a purpose not permitted under the act shall be liable to the individual
34 to whom the information pertains for civil damages.

35 The bill would take effect September 13, 1997, as required by
36 federal law, but would authorize the Director of the Division of Motor
37 Vehicles to take any action in advance of that date necessary to
38 implement the provisions of the act.

39

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41

42

43 Implements federal "Driver's Privacy Protection Act."

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1302

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1996

The Senate Transportation Committee favorably reports Senate Bill No. 1302 with committee amendments.

This bill, as amended, would implement the provisions of the federal "Drivers' Privacy Protection Act of 1994," Pub.L.103-202, which prohibits States from disclosing personal information contained in motor vehicle records except under certain circumstances.

This amended bill would prohibit the Division of Motor Vehicles (DMV) from disclosing personal information except for use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of non-owner records from the original owner records of motor vehicle manufacturers. Persons or entities requesting public information including personal information are required to properly identify themselves.

The bill further authorizes the DMV to disclose personal information in 11 circumstances, including, in part:

For use by any government agency, including any court or law enforcement agency in carrying out its functions, or any private person or entity acting on behalf of a Federal, State or local agency in carrying out its functions;

For use in the normal course of business by a legitimate business or its agents, employees or contractors, but only: (a) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and (b) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual;

For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, State or local court or agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State or local court;

For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed or used to contact individuals; and

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

The release of personal information shall not include an individual's social security number except in accordance with applicable State or federal law.

Personal information is defined as any information that identifies an individual, including an individual's photograph; social security number; driver identification number; name; address other than the five-digit zip code; telephone number; and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status. Motor vehicle record is defined to include any record that pertains to a motor vehicle operator's permit, driver's license, motor vehicle title, motor vehicle registration, or identification card issued by the DMV.

A person authorized to receive personal information under the act would be able to resell or redisclose the personal information only for a use permitted under the act, subject to regulation by the DMV. The bill further requires that a person authorized to receive personal information who resells or rediscloses personal information covered by the act must keep records for a period of five years identifying each person or entity that receives the information and the permitted purpose for which the information will be used and must make those records available to the DMV upon request.

The bill provides penalties for unauthorized disclosure of personal information. A person who knowingly obtains or discloses personal information from a motor vehicle record for a use not permitted under the act would be guilty of a disorderly persons offense. A person who makes a false representation to obtain any personal information from an individual's motor vehicle record would be guilty of a disorderly persons offense. A disorderly persons offense is punishable by a term of imprisonment not to exceed six months or a fine not to exceed \$1,000 or both.

Finally, the bill provides that a person who knowingly obtains, discloses or uses personal information from a motor vehicle record for a purpose not permitted under the act shall be liable to the individual to whom the information pertains for civil damages.

The bill would take effect September 13, 1997, as required by federal law, but would authorize the Director of the Division of Motor Vehicles to take any action in advance of that date necessary to implement the provisions of the act.

The committee amended the bill to include a driver's license as part of a motor vehicle record, to require persons or entities requesting public information including personal information to properly identify

themselves, to eliminate the requirement that research activities and reports must be for "automotive-related purposes" in order to be a permitted use, to eliminate the provision permitting use by any licensed private investigative agency or licensed security service as a permitted use, as well as to eliminate the paragraph concerning bulk distribution for surveys, marketing and solicitations. The amendments further provide that product and service mail communications from automotive-related manufacturers, dealers and businessmen are a permitted use. A person authorized to receive personal information under paragraphs (1) through (11) of subsection b. of section 2 may resell or redisclose the personal information only for a use permitted by these paragraphs, subject to regulation by the DMV. Finally, the amendments provide that the release of personal information shall not include an individual's social security number except in accordance with applicable State or federal law.

STATEMENT TO
[Second Reprint]
SENATE, No. 1302

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: MAY 22, 1997

These floor amendments to the proposed "Driver's Privacy Protection Act" would provide more specifically for a review process for requests for driver records; require that requests for records submitted with the written consent of the individual to whom the information pertains be submitted with the notarized written consent of the individual; clarify that the bill does not expand the authority of the Division of Motor Vehicles to obtain personal information; and increase the penalties for a violation of the act.

The amendments provide that a person requesting a motor vehicle record shall produce proper identification and submit a written request form for approval by the division. The written request form would bear notice that the making of false statements therein is punishable and would include, but not be limited to, the requestor's name and address; the requestor's driver's license number or corporate identification number; the requestor's reason for requesting the record; the driver's license number or the name, address and birth date of the person whose driver record is requested; the license plate number or VIN number of the vehicle for which a record is requested; any additional information determined by the director to be appropriate; and the requestor's certification as to the truth of the foregoing statements. Prior to the approval of the written request form, the division may also require the requestor to submit documentary evidence supporting the reason for the request.

The amendments also provide that the division may permit a person to participate in a public information program on an ongoing basis. A person would be required to complete and submit for approval of the director or the director's designee, on a case by case basis, a written application form. The written application form would bear notice that the making of false statements therein is punishable and would include, but not be limited to, the applicant's name, address and telephone number; the nature of the applicant's business activity; a description of each of the applicant's intended uses of the information contained in the motor vehicle records to be requested; the number of employees with access to the information; the name, title and signature of the authorized company representative; and any additional information determined by the director to be appropriate. The director may also require the applicant to submit a copy of its business credentials, such

as license to do business or certificate of incorporation. Prior to approval by the director or the director's designee, the applicant shall certify in writing as to the truth of all statements contained in the completed application form.

The amendments also provide that a person who receives, from any source, personal information from a motor vehicle record shall release or disclose that information only in accordance with this act.

The amendments insert a new section in the bill which provides that nothing in the act shall be construed as authorizing the division to obtain personal information except that information required to be provided by a person seeking access to motor vehicle records.

The amendments increase the penalties for violation of the act. The amendments provide that a person who knowingly obtains or discloses personal information from a motor vehicle record for any use not permitted by the act is guilty of a crime of the fourth degree. The amendments delete the section of the bill which would have created a separate disorderly persons offense for making a false representation to obtain any personal information from an individual's motor vehicle record. However, a person making a false statement on the written application required by subsection b. of section 2 of the act is guilty of a crime of the fourth degree under the provisions of N.J.S.2C:28-3. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$7,500 or both.

LEGISLATIVE FISCAL ESTIMATE TO

[Second Reprint]
SENATE, No. 1302

STATE OF NEW JERSEY

DATED: JANUARY 3, 1997

Senate Bill No. 1302 (2R) of 1996 would implement the provisions of the federal "Driver's Privacy Protection Act of 1994," Pub.L. 103-202, which prohibits States from disclosing personal information contained in motor vehicle records except under certain, specified circumstances.

The Department of Transportation has verbally informed the Office of Legislative Services (OLS) that, as of December 13, 1996, the department has not yet completed its internal review of a draft fiscal note on this bill. However, department approval and subsequent release of the fiscal note to OLS is expected within the next several days.

In anticipation of more refined data from the department, OLS would still infer that, under this bill, the Division of Motor Vehicles will incur additional operating costs to insure that only valid requests for motor vehicle data are answered and that proper records are maintained attesting to the validity and response to such valid requests. The level of additional operating costs is still under active review by the department. In addition, OLS would infer that the \$11 million in annual revenue estimated to be received by the DMV as part of its proposal to provide on-line, computerized motor vehicle data to approved, large volume requesters may be overstated. This inference of a lower, but not yet quantified revenue amount is predicated on recent legislative initiatives that further restrict the pool of eligible requesters of motor vehicle data.

This OLS fiscal estimate will be updated following receipt of the department's official submission of a fiscal note on this bill.

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.

1-74-01
561



OFFICE OF THE GOVERNOR NEWS RELEASE

PO BOX-004

CONTACT: Jayne O'Connor
Rita Malley
609-777-2600

TRENTON, NJ 08625

RELEASE: TUESDAY
Aug. 5, 1997

Gov. Whitman Signs Legislation Protecting Drivers' Privacy and a Law Allowing Crime Victims to Use Post Office Addresses on Their Licenses

Gov. Christie Whitman today signed into law the New Jersey Drivers' Privacy Protection Act prohibiting the state Division of Motor Vehicles from giving personal information about New Jersey drivers to the general public. She also signed a bill that allows stalking, sexual assault or domestic violence victims to use a post office box on their driver's license and registration.

S-1302 / A-2049 sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Nicholas J. Sacco (D-Bergen/Hudson) and Assembly members Anthony R. Bucco (R-Morris) and Anthony Impreveduto (D-Bergen/Hudson), establishes fourth degree penalties for people who access and use driver information for purposes not authorized by law. People who violate the law will also be subject to civil penalties.

"These bills are important for the safety of citizens of this state," Gov. Whitman said. "People allowed to access driver information will now be required to apply to the state for the information and will undergo a review process to insure that they have a legitimate need for the information. And now, victims of sexual assault or domestic violence are assured that they have greater protection from those who would harm or have harmed them."

The Drivers' Privacy Protection Act provides that people entitled to receive driver information are required by the law to keep the information confidential, unless otherwise stipulated in the law. A person authorized to obtain social security numbers may not release the numbers unless they have proper authorization as outlined by state or federal law.

The act puts New Jersey in compliance with a federal mandate that directed states to adopt laws prohibiting disclosure of personal information contained in motor vehicle records. The federal act required that states adopt their laws by September of this year.

New Jersey's law provides greater protection than the federal law because it further limits who can obtain access to driver information, requires an application process for those who request data and provides penalties for violations of the law.

Those identified in the bill as having a legitimate need to access driver information include:

- Governmental entities;
- Businesses that use DMV data to verify information submitted by the driver or correct information for purposes of preventing fraud or pursuing legal remedies;
- People who need the information for civil, criminal, administrative or arbitration proceeding;
- Researchers who agree not to publish, redisclose or use the information to contact individuals;
- Insurers;
- Tow truck operators;
- Employers requiring verification for commercial drivers licenses;
- Private toll transportation facilities;
- Anyone who has written consent from a driver to release information;
- Automotive business manufacturers and sellers who service mail communications for their products, provided that the drivers have been given an opportunity to prohibit such use.

A-2634 / S-1806 sponsored by Assembly members Rose Heck (R-Bergen) and Anthony R. Bucco (R-Morris) and Senator Andrew R. Ciesla (R-Monmouth/Ocean), grants permission to victims of stalking, sexual assault or domestic violence to use a post office box, or a friend or a family member's address as their official address of record. Other residents will also be allowed to use an alternate address if the director of the Division of Motor Vehicles deems that they have a good reason for doing so.

In such instances, the DMV will not be allowed to disseminate a person's street address except to a court, a law enforcement agency or an agency authorized by law to access the motor vehicle records.