

ASSEMBLY BILL NO. 503—ASSEMBLYMAN HETTRICK

MARCH 12, 1999

JOINT SPONSOR: SENATOR JACOBSEN

Referred to Committee on Transportation

SUMMARY—Expands information director of department of motor vehicles and public safety may release to licensed private investigator. (BDR 43-1176)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to the department of motor vehicles and public safety; expanding the information that the director of the department of motor vehicles and public safety may release to a licensed private investigator; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 481.063 is hereby amended to read as follows:
2 481.063 1. The director may charge and collect reasonable fees for
3 official publications of the department and from persons making use of
4 files and records of the department or its various divisions for a private
5 purpose. All money so collected must be deposited in the state treasury for
6 credit to the motor vehicle fund.
7 2. The director may release personal information from a file or record
8 relating to the driver's license, identification card or title or registration of
9 a vehicle of a person if the requester submits a written release from the
10 person who holds a lien on the vehicle, or an agent of that person, or the
11 person about whom the information is requested which is dated not more
12 than 90 days before the date of the request. The written release must be in
13 a form required by the director.

1 3. Except as otherwise provided in subsection 2, the director shall not
2 release to any person who is not a representative of the welfare division of
3 the department of human resources or an officer, employee or agent of a
4 law enforcement agency or an agency of a local government which collects
5 fines imposed for parking violations, who is not conducting an
6 investigation pursuant to NRS 253.0415, 253.044 or 253.220, ~~for~~ who is
7 not authorized to transact insurance pursuant to chapter 680A of NRS ~~+~~
8 *or who is not licensed as a private investigator pursuant to chapter 648 of*
9 *NRS:*

10 (a) A list which includes license plate numbers combined with any other
11 information in the records or files of the department;

12 (b) The social security number of any person, if it is requested to
13 facilitate the solicitation of that person to purchase a product or service; or

14 (c) The name, address, telephone number or any other personally
15 identifiable information if the information is requested by the presentation
16 of a license plate number.

17 When such personally identifiable information is requested of a law
18 enforcement agency by the presentation of a license plate number, the law
19 enforcement agency shall conduct an investigation regarding the person
20 about whom information is being requested or, as soon as practicable,
21 provide the requester with the requested information if the requester
22 officially reports that the motor vehicle bearing that license plate was used
23 in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

24 4. Except as otherwise provided in subsections 2 and 5, the director
25 shall not release any personal information from a file or record relating to a
26 driver's license, identification card or title or registration of a vehicle.

27 5. Except as otherwise provided in subsection 6, if a person or
28 governmental entity appears in person or by its representative, provides a
29 description of the information requested and its proposed use and signs an
30 affidavit to that effect, the director may release any personal information
31 from a file or record relating to a driver's license, identification card or
32 title or registration of a vehicle for use:

33 (a) By any governmental entity, including, but not limited to, any court
34 or law enforcement agency, in carrying out its functions, or any person
35 acting on behalf of a federal, state or local governmental agency in
36 carrying out its functions. In addition, the director may, by regulation,
37 establish a procedure whereby a governmental entity may retrieve such
38 information electronically or by written request in lieu of appearing
39 personally and complying with the other requirements of this subsection.

40 (b) In connection with any civil, criminal, administrative or arbitration
41 proceeding before any federal or state court, regulatory body, board,
42 commission or agency, including, but not limited to, use for service of

1 process, investigation in anticipation of litigation and execution or
2 enforcement of judgments and orders, or pursuant to an order of a federal
3 or state court.

4 (c) In connection with matters relating to:

5 (1) The safety of drivers of motor vehicles;

6 (2) Safety and thefts of motor vehicles;

7 (3) Emissions from motor vehicles;

8 (4) Alterations of products related to motor vehicles;

9 (5) An advisory notice relating to a motor vehicle or the recall of a
10 motor vehicle;

11 (6) Monitoring the performance of motor vehicles;

12 (7) Parts or accessories of motor vehicles;

13 (8) Dealers of motor vehicles; or

14 (9) Removal of nonowner records from the original records of motor
15 vehicle manufacturers.

16 (d) By any insurer, self-insurer or organization that provides assistance
17 or support to an insurer or self-insurer or its agents, employees or
18 contractors, in connection with activities relating to the rating,
19 underwriting or investigation of claims or the prevention of fraud.

20 (e) In providing notice to the owners of vehicles that have been towed,
21 repossessed or impounded.

22 (f) By an employer or its agent or insurer to obtain or verify
23 information relating to a holder of a commercial driver's license who is
24 employed by or has applied for employment with the employer.

25 (g) By a private investigator, private patrolman or security consultant
26 who is licensed pursuant to chapter 648 of NRS, for any use permitted
27 pursuant to this section.

28 (h) By a reporter or editorial employee who is employed by or affiliated
29 with any newspaper, press association or commercially operated federally
30 licensed radio or television station for a journalistic purpose. The
31 department may not make any inquiries regarding the use of or reason for
32 the information requested other than whether the information will be used
33 for a journalistic purpose.

34 (i) In connection with an investigation conducted pursuant to NRS
35 253.0415, 253.044 or 253.220.

36 (j) In activities relating to research and the production of statistical
37 reports, if the personal information will not be published or otherwise
38 redisclosed, or used to contact any person.

39 (k) In the bulk distribution of surveys, marketing material or
40 solicitations, if the director has adopted policies and procedures to ensure
41 that:

1 (1) The information will be used or sold only for use in the bulk
2 distribution of surveys, marketing material or solicitations;

3 (2) Each person about whom the information is requested has clearly
4 been provided with an opportunity to prohibit such a use; and

5 (3) If the person about whom the information is requested prohibits
6 in a timely manner such a use, the bulk distribution will not be directed
7 toward that person.

8 6. Except as otherwise provided in paragraph (j) of subsection 5, a
9 person who requests and receives personal information may sell or disclose
10 that information only for a use permitted pursuant to subsection 5. Such a
11 person shall keep and maintain for 5 years a record of:

12 (a) Each person to whom the information is provided; and

13 (b) The purpose for which that person will use the information.

14 The record must be made available for examination by the department at
15 all reasonable times upon request.

16 7. Except as otherwise provided in subsection 2, the director may deny
17 any use of the files and records if he reasonably believes that the
18 information taken may be used for an unwarranted invasion of a particular
19 person's privacy.

20 8. Except as otherwise provided in NRS 485.316, the director shall not
21 allow any person to make use of information retrieved from the data base
22 created pursuant to NRS 485.313 for a private purpose and shall not in any
23 other way release any information retrieved from that data base.

24 9. The director shall adopt such regulations as he deems necessary to
25 carry out the purposes of this section. In addition, the director shall, by
26 regulation, establish a procedure whereby a person who is requesting
27 personal information and has personally appeared before an employee of
28 the department at least once may establish an account with the department
29 to facilitate his ability to request information electronically or by written
30 request if he has submitted to the department proof of his employment or
31 licensure, as applicable, and a signed and notarized affidavit
32 acknowledging:

33 (a) That he has read and fully understands the current laws and
34 regulations regarding the manner in which information from the
35 department's files and records may be obtained and the limited uses which
36 are permitted;

37 (b) That he understands that any sale or disclosure of information so
38 obtained must be in accordance with the provisions of this section;

39 (c) That he understands that a record will be maintained by the
40 department of any information he requests; and

41 (d) That he understands that a violation of the provisions of this section
42 is a criminal offense.

- 1 10. It is unlawful for any person to:
- 2 (a) Make a false representation to obtain any information from the files
- 3 or records of the department.
- 4 (b) Knowingly obtain or disclose any information from the files or
- 5 records of the department for any use not permitted by the provisions of
- 6 this chapter.
- 7 11. As used in this section, "personal information" means information
- 8 that reveals the identity of a person, including , *without limitation*, his
- 9 photograph, social security number, driver's license number, identification
- 10 card number, name, address, telephone number or information regarding a
- 11 medical condition or disability. The term does not include the zip code of a
- 12 person when separate from his full address, information regarding
- 13 vehicular accidents or driving violations in which he has been involved or
- 14 other information otherwise affecting his status as a driver.

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