

Assembly Bill No. 503–Assemblyman Hettrick

Joint Sponsor: Senator Jacobsen

CHAPTER.....

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; requiring the private investigator's licensing board to suspend the license of a private investigator who requests such information for an unauthorized purpose; and providing other matters properly relating thereto.

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

**Section 1.** NRS 481.063 is hereby amended to read as follows:

481.063 1. The director may charge and collect reasonable fees for official publications of the department and from persons making use of files and records of the department or its various divisions for a private purpose. All money so collected must be deposited in the state treasury for credit to the motor vehicle fund.

2. The director may release personal information from a file or record relating to the driver's license, identification card or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the director.

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

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

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

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

When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law

enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

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

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

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

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of nonowner records from the original records of motor vehicle manufacturers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The director shall adopt such regulations as he deems necessary to carry out the purposes of this section. In addition, the director shall, by regulation, establish a procedure whereby a person who is requesting

personal information and has personally appeared before an employee of the department at least once may establish an account with the department to facilitate his ability to request information electronically or by written request if he has submitted to the department proof of his employment or licensure, as applicable, and a signed and notarized affidavit acknowledging:

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

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

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

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

10. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the department.

(b) Knowingly obtain or disclose any information from the files or records of the department for any use not permitted by the provisions of this chapter.

11. As used in this section, "personal information" means information that reveals the identity of a person, including , **without limitation**, his photograph, social security number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his full address, information regarding vehicular accidents or driving violations in which he has been involved or other information otherwise affecting his status as a driver.

**Sec. 2.** Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. A private investigator licensed pursuant to this chapter shall not obtain or seek access to information from the department of motor vehicles and public safety pursuant to subsection 3 of NRS 481.063 for any purpose other than a purpose that is directly related to his investigation of an insurance claim.***

***2. If the board finds that a violation of this section has occurred, the board shall, in addition to any other disciplinary action it deems appropriate, suspend the license of the private investigator.***