

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; 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:

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 files
4 and records of the department or its various divisions for a private purpose.
5 All money so collected must be deposited in the state treasury for credit to
6 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 a
9 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 a
13 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, *an agent of the public defender's office* or an
5 agency of a local government which collects fines imposed for parking
6 violations, who is not conducting an investigation pursuant to NRS
7 253.0415, 253.044 or 253.220, ~~for~~ who is not authorized to transact
8 insurance pursuant to chapter 680A of NRS ~~or~~ *or who is not licensed as a*
9 *private investigator pursuant to chapter 648 of NRS and conducting an*
10 *investigation of an insurance claim:*

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

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

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

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

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

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

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

41 (b) In connection with any civil, criminal, administrative or arbitration
42 proceeding before any federal or state court, regulatory body, board,
43 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, underwriting
19 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 information
23 relating to a holder of a commercial driver's license who is employed by or
24 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 10. It is unlawful for any person to:

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

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

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

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

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

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