

SENATE BILL NO. 467—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF DEPARTMENT OF TAXATION)

MARCH 17, 1999

Referred to Committee on Taxation

SUMMARY—Provides department of taxation with access to information through license plate number of vehicle. (BDR 43-782)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to vehicles; providing the department of taxation with access to information held by the department of motor vehicles and public safety through license plate numbers; 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.
14 3. Except as otherwise provided in subsection 2, the director shall not
15 release to any person who is not a representative of ***the department of***
16 ***taxation or*** the welfare division of the department of human resources or an
17 officer, employee or agent of a law enforcement agency or an agency of a

1 local government which collects fines imposed for parking violations, who
2 is not conducting an investigation pursuant to NRS 253.0415, 253.044 or
3 253.220, or who is not authorized to transact insurance pursuant to chapter
4 680A of NRS:

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

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

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

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

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

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

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

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

41 (c) In connection with matters relating to:

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

43 (2) Safety and thefts of motor vehicles;

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

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

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

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

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

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

28 (i) In connection with an investigation conducted pursuant to NRS
29 253.0415, 253.044 or 253.220.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 10. It is unlawful for any person to:

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

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

42 11. As used in this section, "personal information" means information
43 that reveals the identity of a person, including his photograph, social

1 security number, driver's license number, identification card number, name,
2 address, telephone number or information regarding a medical condition or
3 disability. The term does not include the zip code of a person when
4 separate from his full address, information regarding vehicular accidents or
5 driving violations in which he has been involved or other information
6 otherwise affecting his status as a driver.

7 **Sec. 2.** This act becomes effective upon passage and approval.

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