

Amendment No. 94

Assembly Amendment to Assembly Bill No. 165

(BDR 43-995)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSM/WLK



Date: 4/8/2013

A.B. No. 165—Limits the purposes for which the Director of the Department of Motor Vehicles is allowed to release certain personal information. (BDR 43-995)



ASSEMBLY BILL NO. 165—COMMITTEE ON TRANSPORTATION

FEBRUARY 25, 2013

Referred to Committee on Transportation

SUMMARY—Limits the purposes for which the Director of the Department of Motor Vehicles is allowed to release certain personal information. (BDR 43-995)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; limiting the purposes for which the Director of the Department is allowed to release certain personal information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Director of the Department of Motor Vehicles is allowed to release lists of license plate numbers and personally identifiable information that is requested by the presentation of a license plate number if a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle. (NRS 481.063) This bill ~~limits the release of such information to the extent in which~~ **prohibits the Director from providing personal information (as requested) to individuals or companies** for the purpose of ~~an advisory notice relating to the recall of a motor~~ **marketing extended vehicle, or warranties.**

Existing law also provides that if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director of the Department of Motor Vehicles may, under certain circumstances, release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use in the bulk distribution of surveys, marketing material or solicitations. (NRS 481.063) This bill eliminates the authority of the Director to release personal information for use in the bulk distribution of surveys, marketing material or solicitations.

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. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, 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 subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services 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 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS 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. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle ~~or for the purpose of providing information concerning the history of a vehicle~~, the Director may release:

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

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

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, 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.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity 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, except a photograph, 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. The

1 personal information may include a photograph from a file or record relating to a
2 driver's license, identification card, or title or registration of a vehicle.

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

8 (c) In connection with matters relating to:

9 (1) The safety of drivers of motor vehicles;
10 (2) Safety and thefts of motor vehicles;
11 (3) Emissions from motor vehicles;
12 (4) Alterations of products related to motor vehicles;
13 (5) An advisory notice relating to a motor vehicle or the recall of a motor
14 vehicle;

15 (6) Monitoring the performance of motor vehicles;
16 (7) Parts or accessories of motor vehicles;
17 (8) Dealers of motor vehicles; or
18 (9) Removal of nonowner records from the original records of motor
19 vehicle manufacturers.

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

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

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

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

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

37 (i) In connection with an investigation conducted pursuant to NRS 253.0415 or
38 253.220.

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

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

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

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

48 ~~— (3) If the person about whom the information is requested does not
49 authorize such a use, the bulk distribution will not be directed toward that person.]~~

50 7. Except as otherwise provided in paragraph (j) of subsection 6, the Director
51 shall not provide personal information to individuals or companies for the
52 purpose of marketing extended vehicle warranties, and a person who requests and
53 receives personal information may sell or disclose that information only for a use

permitted pursuant to subsection 6. 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.

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

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

10. The Director shall adopt such regulations as the Director 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 may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) 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) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

11. 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.

12. As used in this section:

(a) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her 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 or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(b) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. This act becomes effective on July 1, 2013.