

ASSEMBLY BILL NO. 407—ASSEMBLYMAN CARTER

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing the release of personal information by the Director of the Department of Motor Vehicles. (BDR 43-751)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; prohibiting the Director of the Department of Motor Vehicles from releasing any personal information from the files or records of the Department for any purpose relating to the enforcement of immigration laws, except under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the Director of the Department of Motor Vehicles from releasing any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle for any purpose relating to the enforcement of immigration laws. (NRS 481.063) This bill revises this prohibition by instead prohibiting the Director from releasing any personal information for any purpose relating to the enforcement of immigration laws unless: (1) the requester submits a written release from the person about whom the information is requested; or (2) the Director releases the personal information pursuant to an order, subpoena or warrant issued by a court of competent jurisdiction. This bill prohibits the Director, when responding to such an order, subpoena or warrant, from releasing personal information beyond what is specifically required to comply with the order, subpoena or warrant.



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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, 6, ~~and~~ **7 and 11** 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~~ **subsections 8 ~~and~~ and 11**, 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 personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(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;



1 (8) Dealers of motor vehicles; or

2 (9) Removal of nonowner records from the original records
3 of motor vehicle manufacturers.

4 (d) Except as otherwise provided in subsection 6 of NRS
5 482.2175, by any insurer, self-insurer or organization that provides
6 assistance or support to an insurer or self-insurer or its agents,
7 employees or contractors, in connection with activities relating to
8 the rating, underwriting or investigation of claims or the prevention
9 of fraud.

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

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

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

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

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

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

30 7. Upon the request of a court or its traffic violations bureau,
31 the Director shall release the mailing address and contact
32 information of a person who has been issued a traffic citation that is
33 filed with the court or traffic violations bureau from a file or record
34 relating to the driver's license of the person or the title or
35 registration of the person's vehicle for the purpose of enabling the
36 court or traffic violations bureau to provide notifications concerning
37 the traffic citation to the person.

38 8. Except as otherwise provided in paragraph (j) of subsection
39 6, the Director shall not provide personal information to individuals
40 or companies for the purpose of marketing extended vehicle
41 warranties, and a person who requests and receives personal
42 information may sell or disclose that information only for a use
43 permitted pursuant to subsection 6. Such a person shall keep and
44 maintain for 5 years a record of:

45 (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.

9. 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.

10. 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.

11. The Director shall not release any *personal* information ~~[relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship]~~ from a file or record relating to a ~~[request for or the issuance of a]~~ license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws ~~[]~~ *unless the requester submits a written release from the person about whom the information is requested or the Director releases the personal information pursuant to a lawful order, subpoena or warrant issued by a court of competent jurisdiction. If the Director releases personal information pursuant to this subsection in response to an order, subpoena or warrant, the Director shall not release personal information beyond what is specifically required to comply with the order, subpoena or warrant.*

12. 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.

13. 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.

14. As used in this section:

~~(a) “[Information relating to legal presence” means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver’s license that a person possesses is a driver authorization card, whether the person applied for a driver’s license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver’s license.~~

~~—(b)]~~ “Personal information” means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification 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 crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

~~(c)]~~ (b) “Vehicle” includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. This act becomes effective on July 1, 2023.

