

Amendment No. 298

Senate Amendment to Senate Bill No. 6	(BDR 43-255)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: No Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

CBN/JFD



Date: 4/24/2023

S.B. No. 6—Revises provisions relating to the release of personal information maintained by the Department of Motor Vehicles.
(BDR 43-255)



SENATE BILL NO. 6—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the release of personal information maintained by the Department of Motor Vehicles. (BDR 43-255)

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 public records; ~~limiting~~ **revising** the circumstances under which the Director of the Department of Motor Vehicles is authorized to release certain personal information to a reporter or editorial employee; **prohibiting a person who requests and receives personal information from the Department from selling such information, except for certain insurance purposes; prohibiting the Director from releasing personal information for the purpose of sale except for certain insurance purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law prohibits the Director of the Department of Motor Vehicles from releasing personal information from a file or record relating to a driver's license or identification card or the title or registration of a motor vehicle. Existing law authorizes the Director of the Department to release such information to certain ~~reporters and editorial employees~~ **persons** if: (1) the ~~reporter or editorial employee~~ **person** provides a description of the information requested and its proposed use and signs an affidavit to that effect; and (2) the information requested will be used for ~~a journalistic~~ **an authorized purpose. The persons who are authorized to request personal information in this manner include: (1) certain reporters or editorial employees who intend to use the information for a journalistic purpose; and (2) an 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.** (NRS 481.063) This bill **revises the provisions governing the reporters or editorial employees to whom the Director may release personal information to provide that: (1) such a reporter or editorial employee must be employed by or affiliated with a press association, newspaper in regular publication that is affiliated with a press association or commercially operated, federally licensed radio or television station; and (2) the journalistic purpose for which the**

information is requested must be a journalistic purpose of the press association, newspaper or radio or television station.

This bill also prohibits a person who requests and receives personal information from the Department from selling such information, except to an insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud. This bill prohibits the Director of the Department from releasing personal information to ~~[such a reporter or editorial employee unless the affidavit submitted by the reporter or editorial employee contains the name of the person to whom]~~ an individual or company for the purpose of selling the information ~~[pertains.]~~ except for such insurance related purposes and authorizes the Director to deny any use of the files and records of the Department if the Director reasonably believes that the information may be sold.

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 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 9]~~ 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;

(8) Dealers of motor vehicles; or

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

(d) Except as otherwise provided in subsection 6 of NRS 482.2175, 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 patrol officer 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 press association, newspaper ~~in regular publication that is affiliated with a~~ press association or commercially operated, federally licensed radio or television station for a journalistic purpose ~~of the press association, newspaper or radio or television station~~. 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 such a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 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.

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

~~8. [The Director shall not provide any personal information to a reporter or editorial employee pursuant to paragraph (h) of subsection 6 unless the affidavit required by subsection 6 contains the name of the person about whom the information is requested.]~~

~~9.~~ Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of ~~marketing~~ :

(a) Marketing extended vehicle warranties [and a] ; or

(b) Selling such personal information, unless the sale is authorized pursuant to subsection 9.

~~9. A person who requests and receives personal information may [sell or disclose] :~~

(a) Disclose that information only for a use permitted pursuant to subsection 6 ~~[Such a] ; and~~

(b) Sell that information only if the person obtained the information pursuant to paragraph (d) of subsection 6 and sells the information to an insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors for the purposes set forth in paragraph (d) of subsection 6.

10. A person who discloses or sells information pursuant to subsection 9 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.

~~9, 10, 11.~~ 11. 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~~ :

(a) Used for an unwarranted invasion of a particular person's privacy ~~;~~

~~10, 11, 12 ; or~~

(b) Sold, except as authorized pursuant to subsection 9.

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

5 ~~11. 12.~~ 13. The Director shall not release any information relating to legal
6 presence or any other information relating to or describing immigration status,
7 nationality or citizenship from a file or record relating to a request for or the
8 issuance of a license, identification card or title or registration of a vehicle to any
9 person or to any federal, state or local governmental entity for any purpose relating
10 to the enforcement of immigration laws.

11 ~~12. 13.~~ 14. The Director shall adopt such regulations as the Director deems
12 necessary to carry out the purposes of this section. In addition, the Director shall,
13 by regulation, establish a procedure whereby a person who is requesting personal
14 information may establish an account with the Department to facilitate the person's
15 ability to request information electronically or by written request if the person has
16 submitted to the Department proof of employment or licensure, as applicable, and a
17 signed and notarized affidavit acknowledging that the person:

18 (a) Has read and fully understands the current laws and regulations regarding
19 the manner in which information from the Department's files and records may be
20 obtained and the limited uses which are permitted;

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

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

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

27 ~~13. 14.~~ 15. It is unlawful for any person to:

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

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

32 ~~14. 15.~~ 16. As used in this section:

33 (a) "Information relating to legal presence" means information that may reveal
34 whether a person is legally present in the United States, including, without
35 limitation, whether the driver's license that a person possesses is a driver
36 authorization card, whether the person applied for a driver's license pursuant to
37 NRS 483.290 or 483.291 and the documentation used to prove name, age and
38 residence that was provided by the person with his or her application for a driver's
39 license.

40 (b) "Personal information" means information that reveals the identity of a
41 person, including, without limitation, his or her photograph, social security number,
42 individual taxpayer identification number, driver's license number, identification
43 card number, name, address, telephone number or information regarding a medical
44 condition or disability. The term does not include the zip code of a person when
45 separate from his or her full address, information regarding vehicular crashes or
46 driving violations in which he or she has been involved or other information
47 otherwise affecting his or her status as a driver.

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