

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2049

STATE OF NEW JERSEY

ADOPTED MAY 5, 1997

**Sponsored by Assemblyman BUCCO, Assemblywoman HECK,
Assemblymen Bagger, Impreveduto, Wisniewski, Bodine,
Zecker, Assemblywoman Farragher and Assemblyman Talarico**

1 AN ACT concerning motor vehicle records and supplementing chapter
2 2 of Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Director" means the Director of the Division of Motor Vehicles
9 in the Department of Transportation.

10 "Division" means the Division of Motor Vehicles in the
11 Department of Transportation.

12 "Motor vehicle record" means any record that pertains to a motor
13 vehicle operator's permit, driver's license, motor vehicle title, motor
14 vehicle registration, or identification card issued by the Division of
15 Motor Vehicles.

16 "Person" means an individual, organization or entity, but does not
17 include the State or a political subdivision thereof.

18 "Personal information" means information that identifies an
19 individual, including an individual's photograph; social security
20 number; driver identification number; name; address other than the
21 five-digit zip code; telephone number; and medical or disability
22 information, but does not include information on vehicular accidents,
23 driving violations, and driver's status.

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25 2. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-
26 1 et seq.) or any other law to the contrary, except as provided in this
27 act, the Division of Motor Vehicles and any officer, employee or
28 contractor thereof shall not knowingly disclose or otherwise make
29 available to any person personal information about any individual
30 obtained by the division in connection with a motor vehicle record.

31 b. A person requesting a motor vehicle record including personal
32 information shall produce proper identification and shall complete and
33 submit a written request form provided by the director for the

1 division's approval. The written request form shall bear notice that the
2 making of false statements therein is punishable and shall include, but
3 not be limited to, the requestor's name and address; the requestor's
4 driver's license number or corporate identification number; the
5 requestor's reason for requesting the record; the driver's license
6 number or the name, address and birth date of the person whose driver
7 record is requested; the license plate number or VIN number of the
8 vehicle for which a record is requested; any additional information
9 determined by the director to be appropriate and the requestor's
10 certification as to the truth of the foregoing statements. Prior to the
11 approval of the written request form, the division may also require the
12 requestor to submit documentary evidence supporting the reason for
13 the request.

14 In lieu of completing a written request form for each record
15 requested, the division may permit a person to complete and submit
16 for approval of the director or the director's designee, on a case by
17 case basis, a written application form for participation in a public
18 information program on an ongoing basis. The written application
19 form shall bear notice that the making of false statements therein is
20 punishable and shall include, but not be limited to, the applicant's
21 name, address and telephone number; the nature of the applicant's
22 business activity; a description of each of the applicant's intended uses
23 of the information contained in the motor vehicle records to be
24 requested; the number of employees with access to the information;
25 the name, title and signature of the authorized company representative;
26 and any additional information determined by the director to be
27 appropriate. The director may also require the applicant to submit a
28 copy of its business credentials, such as license to do business or
29 certificate of incorporation. Prior to approval by the director or the
30 director's designee, the applicant shall certify in writing as to the truth
31 of all statements contained in the completed application form.

32 c. Personal information shall be disclosed for use in connection
33 with matters of motor vehicle or driver safety and theft; motor vehicle
34 emissions; motor vehicle product alterations, recalls or advisories;
35 performance monitoring of motor vehicles and dealers by motor
36 vehicle manufacturers; and removal of non-owner records from the
37 original owner records of motor vehicle manufacturers to carry out the
38 purposes of the Automobile Information Disclosure Act, Pub.L.85-
39 506, the Motor Vehicle Information and Cost Saving Act, Pub.L.92-
40 513, the National Traffic and Motor Vehicle Safety Act of 1966,
41 Pub.L.89-563, the Anti-Car Theft Act of 1992, Pub.L.102-519, and
42 the Clean Air Act, Pub.L.88-206, and may be disclosed as follows:

43 (1) For use by any government agency, including any court or law
44 enforcement agency in carrying out its functions, or any private person
45 or entity acting on behalf of a federal, State or local agency in carrying

1 out its functions.

2 (2) For use in connection with matters of motor vehicle or driver
3 safety and theft; motor vehicle emissions; motor vehicle product
4 alterations, recalls, or advisories; performance monitoring of motor
5 vehicles, motor vehicle parts and dealers; motor vehicle market
6 research activities, including survey research; and the removal of non-
7 owner records from the original owner records of motor vehicle
8 manufacturers.

9 (3) For use in the normal course of business by a legitimate
10 business or its agents, employees or contractors, but only:

11 (a) to verify the accuracy of personal information submitted by the
12 individual to the business or its agents, employees, or contractors; and

13 (b) if such information as so submitted is not correct or is no
14 longer correct, to obtain the correct information, but only for the
15 purposes of preventing fraud by, pursuing legal remedies against, or
16 recovering on a debt or security interest against the individual.

17 (4) For use in connection with any civil, criminal, administrative
18 or arbitral proceeding in any federal, State or local court or agency or
19 before any self-regulatory body, including service of process,
20 investigation in anticipation of litigation, and the execution or
21 enforcement of judgments and orders, or pursuant to an order of a
22 federal, State or local court.

23 (5) For use in research activities, and for use in producing
24 statistical reports, so long as the personal information is not published,
25 redisclosed, or used to contact individuals.

26 (6) For use by any insurer or insurance support organization, or
27 by a self-insured entity, or its agents, employees, or contractors, in
28 connection with claims investigation activities, antifraud activities,
29 rating or underwriting.

30 (7) For use in providing notice to the owners of towed or
31 impounded vehicles.

32 (8) For use by an employer or its agent or insurer to obtain or
33 verify information relating to a holder of a commercial driver's license
34 that is required under the "Commercial Motor Vehicle Safety Act," 49
35 U.S.C.App. §2710 et seq..

36 (9) For use in connection with the operation of private toll
37 transportation facilities.

38 (10) For use by any requester, if the requester demonstrates it has
39 obtained the notarized written consent of the individual to whom the
40 information pertains.

41 (11) For product and service mail communications from
42 automotive-related manufacturers, dealers and businesses, if the
43 division has implemented methods and procedures to ensure that:

44 (a) individuals are provided an opportunity, in a clear and
45 conspicuous manner, to prohibit such uses; and

1 (b) product and service mail communications from automotive-
2 related manufacturers, dealers and businesses will not be directed at
3 individuals who exercise their option under subparagraph (a) of this
4 paragraph.

5 d. As provided by the federal "Drivers' Privacy Protection Act of
6 1994," Pub.L.103-202, a person authorized to receive personal
7 information under paragraphs (1) through (10) of subsection c. of this
8 section may resell or redisclose the personal information only for a use
9 permitted by paragraphs (1) through (10) of subsection c. of this
10 section subject to regulation by the division. A person authorized to
11 receive personal information under paragraph (11) of subsection c. of
12 this section may resell or redisclose the personal information pursuant
13 to paragraph (11) of subsection c. of this section subject to regulation
14 by the division.

15 e. As provided by the federal "Drivers' Privacy Protection Act of
16 1994," Pub.L.103-202, a person authorized to receive personal
17 information under this section who resells or rediscloses personal
18 information covered by the provisions of this act shall keep for a
19 period of five years records identifying each person or entity that
20 receives information and the permitted purpose for which the
21 information will be used and shall make such records available to the
22 division upon request. Any person who receives, from any source,
23 personal information from a motor vehicle record shall release or
24 disclose that information only in accordance with this act.

25 f. The release of personal information under this section shall not
26 include an individual's social security number except in accordance
27 with applicable State or federal law.

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29 3. A person who knowingly obtains or discloses personal
30 information from a motor vehicle record for any use not permitted
31 under section 2 of P.L. , c. (C.) (now before the Legislature as
32 this bill) is guilty of a crime of the fourth degree.

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34 4. a. A person who knowingly obtains, discloses or uses personal
35 information from a motor vehicle record for a purpose not permitted
36 under this act shall be liable to the individual to whom the information
37 pertains, who may bring a civil action in the Superior Court.

38 b. The court may award:

39 (1) actual damages, but not less than liquidated damages in the
40 amount of \$2,500;

41 (2) punitive damages upon proof of willful or reckless disregard
42 of the law;

43 (3) reasonable attorney's fees and other litigation costs reasonably
44 incurred; and

1 (4) such other preliminary and equitable relief as the court
2 determines to be appropriate.

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4 5. Nothing in this act shall be construed as authorizing the division
5 to obtain personal information, except as provided in subsection b. of
6 section 2 of this act.

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8 6. This act shall take effect immediately but shall be inoperative
9 until the 31st day after enactment.

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Implements federal "Drivers' Privacy Protection Act."