

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:

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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.

24

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.

28  
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."