

ASSEMBLY, No. 2235

STATE OF NEW JERSEY

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By Assemblymen AUGUSTINE, KAVANAUGH, Lance, Assemblywoman Murphy, Assemblymen Bagger, DiGaetano, Arnone, Malone, Holzapfel, Assemblywomen Heck, Wright, Bark, Assemblymen Roma, Zecker, Blee, LeFevre, Assemblywomen J. Smith, Vandervalk, Assemblymen Moran, Garrett, Gibson, Cottrell, Bucco, Assemblywoman Myers, Assemblymen Kramer, O'Toole, Assemblywoman Crecco, Assemblymen Carroll, Geist, Bateman, DeCroce, Assemblywoman Farragher, Assemblymen Rocco, Stuhltrager, Rooney, Felice, Kelly, Wolfe and Weingarten

1 AN ACT concerning the release of certain personal information by the
2 Division of Motor Vehicles and supplementing chapter 3 of Title 39
3 of the Revised Statutes.

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

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8 1. a. The Division of Motor Vehicles shall establish procedures to
9 prevent the release, sale or distribution of personal information
10 pertaining to persons who object to this use of their personal
11 information.

12 As used in this act, "personal information" means information that
13 identifies an individual, including an individual's photograph, social
14 security number, driver identification number, name, address,
15 telephone number, and medical or disability information, but does not
16 include information on vehicular accidents, driving violations, and
17 driver's status.

18 b. Every initial and renewal application for a driver's license or
19 motor vehicle registration, as the case may be, shall include
20 information explaining the division's practices in releasing personal
21 information. The form shall also contain a box in which the licensee
22 or registrant may enter a check mark to indicate that he declines the
23 release of personal information. The division shall not release, sell or
24 otherwise distribute personal information pertaining to a person who
25 has checked the box.

26 c. This section shall not apply to the release of personal
27 information to:

28 (1) Persons authorized in writing by the person to whom the

1 information pertains.

2 (2) Persons authorized by court order.

3 (3) Federal, state or local governmental agencies for use in
4 fulfilling legitimate governmental or law enforcement purposes.

5 (4) When authorized by regulation adopted by the director, with
6 the approval of the Attorney General pursuant to the "Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for lawful
8 purposes related to credit transactions, the issuance or renewal of
9 policies of insurance, consumer product recalls, the reporting or
10 litigation of claims involving motor vehicles, news reporting by a
11 representative of the news media who holds valid press credentials,
12 and the lawful business needs of persons licensed pursuant to the
13 provisions of the Private Detective Act, P.L.1939, c. 369 (C.45:19-8
14 et seq.).

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16 2. This act shall take effect immediately.

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STATEMENT

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21 The Division of Motor Vehicles (DMV) in the Department of
22 Transportation is reportedly planning to sell personal information from
23 its driver and vehicle data base to direct mail advertisers and other
24 commercial interests. Revenue of \$11 million from this planned sale
25 has been anticipated in the Governor's recommended budget for
26 FY 1997.

27 This bill would require DMV to establish a mechanism to allow
28 persons who object to the use of their personnel information for
29 commercial purposes to prevent the release of this information. The
30 bill would require DMV to include in applications for driver's licenses
31 or motor vehicle registration a check-off box in which a motorist could
32 decline the release of personal information. DMV would be prohibited
33 from selling or otherwise distributing the personal information of a
34 person who checked this box on the application.

35 The bill defines personal information as information that identifies
36 an individual, including an individual's photograph, social security
37 number, driver identification number, name, address, telephone
38 number, and medical or disability information, but does not include
39 information on vehicular accidents, driving violations, and driver's
40 status.

41 The bill exempts from its provisions personal information released
42 pursuant to court order, required by governmental and law
43 enforcement agencies, and that which is authorized by regulations
44 approved by the Attorney General for lawful purposes related to credit
45 transactions, the issuance of insurance policies, product recalls, news
46 reporting, and the needs of licensed private detectives.

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3 Requires DMV to allow person to decline sale of personal information.