

ASSEMBLY, No. 2235

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1996

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.

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

7  
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.).

15

16 2. This act shall take effect immediately.

17

18

19

#### STATEMENT

20

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.

1

\_\_\_\_\_

2

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