

ASSEMBLY, No. 2529

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblymen LeFEVRE and BLEE

1 AN ACT concerning access to motor vehicle records and
2 supplementing chapter 3 of Title 39 of the Revised Statutes.

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

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7 1. a. Except as provided in subsection b. of this section, a person
8 who has access to motor vehicle registration records for law
9 enforcement, governmental or business purposes shall not perform a
10 registration plate number check.

11 b. Registration plate number checks may be performed:

12 (1) for legitimate governmental or law enforcement purposes at the
13 request of any federal, State or local government agency or any person
14 authorized by such agency; or

15 (2) when authorized by regulation adopted by the director, with the
16 approval of the Commissioner of Transportation pursuant to the
17 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.),
18 for lawful business or private purposes including, but not limited to,
19 credit transactions, the issuance or renewal of policies of insurance,
20 consumer product recalls, the reporting or litigation of claims
21 involving motor vehicles, news reporting by a representative of the
22 news media who holds valid press credentials, or the lawful business
23 needs of persons licensed pursuant to the provisions of the Private
24 Detective Act, P.L.1939, c.369 (C.45:19-8 et seq.).

25 c. As used in this act, "registration plate number check" means
26 identification by registration plate number of a natural person who is
27 the owner or lessee of a motor vehicle bearing a particular registration
28 plate number and disclosure of the name or address of the natural
29 person. The phrase shall not be construed to prohibit disclosure of
30 information obtained pursuant to subsection b. of this section in a
31 manner consistent with and in furtherance of the purpose for which the
32 information was obtained.

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

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

3 (2) Punitive damages upon proof of willful or reckless disregard of
4 the law;

5 (3) Reasonable attorney fees and other litigation costs reasonably
6 incurred; and

7 (4) Such other preliminary and equitable relief as the court
8 determines to be appropriate.

9 e. A person who has access to registration plate number
10 information pursuant to this section shall report any unauthorized use
11 of such information to the Division of Motor Vehicles.

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13 2. This act shall take effect on the first day of the third month after
14 enactment, except that the Director of the Division of Motor Vehicles
15 may take such anticipatory administrative action in advance as shall be
16 necessary upon enactment for the implementation of this act.

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STATEMENT

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21 This bill provides for limited confidentiality for certain motor
22 vehicle information. Except as provided in this bill, a person who has
23 access to motor vehicle registration records for law enforcement,
24 governmental or business purposes would be prohibited from
25 performing a registration plate number check. As defined in the bill,
26 "registration plate number check" means identification by registration
27 plate number of a natural person who is the owner or lessee of a motor
28 vehicle bearing a particular registration plate number and disclosure of
29 the name or address of the natural person.

30 Under the provisions of the bill, registration plate number checks
31 could be performed only (1) for legitimate governmental or law
32 enforcement purposes at the request of any federal, State or local
33 government agency or any person authorized by such agency or (2)
34 when authorized by regulations adopted by the Director of the
35 Division of Motor Vehicles and approved by the Commissioner of
36 Transportation for lawful business or private purposes including, but
37 not limited to, credit transactions, the issuance or renewal of policies
38 of insurance, consumer product recalls, the reporting or litigation of
39 claims involving motor vehicles, news reporting by bona fide
40 representatives of the news media or the lawful business needs of
41 licensed private detectives.

42 A person who has access to registration plate number information
43 also would be required to report any unauthorized use of this
44 information to the Division of Motor Vehicles.

45 Currently, a person may obtain the name and address of a motor
46 vehicle owner by submitting the vehicle's registration plate number to

1 the Division of Motor Vehicles and paying \$8.

2 The bill provides that a person who knowingly obtains, discloses or
3 uses personal information from a motor vehicle registration record for
4 a purpose not permitted under the bill would be liable to the individual
5 to whom the information pertains, who may bring a civil action in the
6 Superior Court. The court may award 1) actual damages, but not less
7 than liquidated damages in the amount of \$2,500; (2) punitive damages
8 upon proof of willful or reckless disregard of the law; (3) reasonable
9 attorney's fees and other litigation costs reasonably incurred; and (4)
10 such other preliminary and equitable relief as the court determines to
11 be appropriate.

12 The provision of personal information on motor vehicle owners to
13 persons without a legitimate need for it has led to abuses. This bill is
14 intended address these abuses and to prevent the use of such checks
15 for purposes of stalking and harassment.

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20 Provides limited confidentiality for certain motor vehicle information.