

§§1 - 5  
C. 39:2-3 .3 to  
39:2-3.7  
§6 - Note to §§1 - 5

P.L. 1997, CHAPTER 188, *approved August 5, 1997*  
Senate, No. 1302 (*Third Reprint*)  
(CORRECTED COPY)

1 AN ACT concerning motor vehicle records and supplementing chapter  
2 2 of Title 39 of the <sup>3</sup>[Revises] Revised<sup>3</sup> 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 in  
9 the Department of Transportation.

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

12 “Motor vehicle record” means any record that pertains to a motor  
13 vehicle operator’s permit, <sup>1</sup>driver's license,<sup>1</sup> 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.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate STR committee amendments adopted November 18, 1996.

<sup>2</sup> Senate floor amendments adopted November 25, 1996.

<sup>3</sup> Senate floor amendments adopted May 22, 1997.

1 2. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1  
2 et seq.) or any other law to the contrary, except as provided in  
3 <sup>3</sup>[subsection b. of this section] this act<sup>3</sup>, the Division of Motor  
4 Vehicles and any officer, employee or contractor thereof shall not  
5 knowingly disclose or otherwise make available to any person  
6 personal information about any individual obtained by the division in  
7 connection with a motor vehicle record.

8 b. <sup>3</sup>[ <sup>1</sup>Persons or entities requesting public information including  
9 personal information shall properly identify themselves.<sup>1</sup>] A person  
10 requesting a motor vehicle record including personal information shall  
11 produce proper identification and shall complete and submit a written  
12 request form provided by the director for the division's approval. The  
13 written request form shall bear notice that the making of false  
14 statements therein is punishable and shall include, but not be limited  
15 to, the requestor's name and address; the requestor's driver's license  
16 number or corporate identification number; the requestor's reason for  
17 requesting the record; the driver's license number or the name, address  
18 and birth date of the person whose driver record is requested; the  
19 license plate number or VIN number of the vehicle for which a record  
20 is requested; any additional information determined by the director to  
21 be appropriate and the requestor's certification as to the truth of the  
22 foregoing statements. Prior to the approval of the written request  
23 form, the division may also require the requestor to submit  
24 documentary evidence supporting the reason for the request.

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

43 c.<sup>3</sup> Personal information shall be disclosed for use in connection  
44 with matters of motor vehicle or driver safety and theft; motor vehicle  
45 emissions; motor vehicle product alterations, recalls or advisories;  
46 performance monitoring of motor vehicles and dealers by motor

1 vehicle manufacturers; and removal of non-owner records from the  
2 original owner records of motor vehicle manufacturers to carry out the  
3 purposes of the Automobile Information Disclosure Act, Pub.L.85-  
4 506, the Motor Vehicle Information and Cost Saving Act, Pub.L.92-  
5 513, the National Traffic and Motor Vehicle Safety Act of 1966,  
6 Pub.L.89-563, the Anti-Car Theft Act of 1992, Pub.L.102-519, and  
7 the Clean Air Act, Pub.L.88-206, and may be disclosed as follows:

8 (1) For use by any government agency, including any court or law  
9 enforcement agency in carrying out its functions, or any private person  
10 or entity acting on behalf of a federal, State or local agency in carrying  
11 out its functions.

12 (2) For use in connection with matters of motor vehicle or driver  
13 safety and theft; motor vehicle emissions; motor vehicle product  
14 alterations, recalls, or advisories; performance monitoring of motor  
15 vehicles, motor vehicle parts and dealers; motor vehicle market  
16 research activities, including survey research; and the removal of non-  
17 owner records from the original owner records of motor vehicle  
18 manufacturers.

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

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

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

27 (4) For use in connection with any civil, criminal, administrative or  
28 arbitral proceeding in any federal, State or local court or agency or  
29 before any self-regulatory body, including service of process,  
30 investigation in anticipation of litigation, and the execution or  
31 enforcement of judgments and orders, or pursuant to an order of a  
32 federal, State or local court.

33 (5) For use in research activities, and for use in producing  
34 statistical reports <sup>1</sup>[for automotive-related purposes]<sup>1</sup>, so long as the  
35 personal information is not published, redisclosed, or used to contact  
36 individuals.

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

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

43 (8) <sup>1</sup>[For use by any licensed private investigative agency or  
44 licensed security service for any purpose permitted under this  
45 subsection.

46 (9)]<sup>1</sup> For use by an employer or its agent or insurer to obtain or

1 verify information relating to a holder of a commercial driver's license  
 2 that is required under the "Commercial Motor Vehicle Safety Act," 49  
 3 U.S.C.App. §2710 et seq..

4 <sup>1</sup>[(10)] <sup>(9)</sup><sup>1</sup> For use in connection with the operation of private toll  
 5 transportation facilities.

6 <sup>1</sup>[(11)] <sup>(10)</sup><sup>1</sup> For use by any requester, if the requester  
 7 demonstrates it has obtained the <sup>3</sup>notarized<sup>3</sup> written consent of the  
 8 individual to whom the information pertains.

9 <sup>1</sup>[(12) For bulk distribution for surveys, marketing or solicitations  
 10 for automotive-related purposes if the division has implemented  
 11 methods and procedures to ensure that:

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

14 (b) the information will be used, rented or sold solely for bulk  
 15 distribution for surveys, marketing, and solicitations, and that surveys,  
 16 marketing and solicitations will not be directed at those individuals  
 17 who have requested in a timely fashion that they not be directed at  
 18 them.] (11) For product and service mail communications from  
 19 automotive-related manufacturers, dealers and businesses, if the  
 20 division has implemented methods and procedures to ensure that:

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

23 (b) product and service mail communications from automotive-  
 24 related manufacturers, dealers and businesses will not be directed at  
 25 individuals who exercise their option under subparagraph (a) of this  
 26 paragraph.<sup>1</sup>

27 <sup>3</sup>[c.] d.<sup>3</sup> <sup>1</sup>[A person authorized to receive personal information  
 28 under paragraphs (1) through (11) of subsection b. of this section may  
 29 resell or disclose the personal information only for a use permitted by  
 30 paragraphs (1) through (11) of subsection b. of this section.

31 A] As provided by the federal "Drivers' Privacy Protection Act of  
 32 1994," Pub.L. 103-202, a<sup>1</sup> person authorized to receive personal  
 33 information under <sup>1</sup>[paragraph (12)] paragraphs (1) through <sup>2</sup>[(11)<sup>1</sup>  
 34 (10)<sup>2</sup> of subsection <sup>3</sup>[b.] c.<sup>3</sup> of this section may resell or redisclose  
 35 <sup>1</sup>the<sup>1</sup> personal information only <sup>1</sup>[as provided in paragraph (12)] for a  
 36 use permitted by paragraphs (1) through <sup>2</sup>[(11) <sup>1</sup>(10)<sup>2</sup> of subsection  
 37 <sup>3</sup>[b.] c.<sup>3</sup> of this section <sup>1</sup>subject to regulation by the division<sup>1</sup>. <sup>2</sup>A  
 38 person authorized to receive personal information under paragraph  
 39 (11) of subsection <sup>3</sup>[b.]c.<sup>3</sup> of this section may resell or redisclose the  
 40 personal information pursuant to paragraph (11) of subsection <sup>3</sup>[b.]c.<sup>3</sup>  
 41 of this section subject to regulation by the division.<sup>2</sup>

42 <sup>3</sup>[d.] e.<sup>3</sup> <sup>1</sup>[Any] As provided by the federal "Drivers' Privacy  
 43 Protection Act of 1994," Pub.L. 103-202, a<sup>1</sup> person authorized to  
 44 receive personal information under this section who resells or  
 45 <sup>1</sup>[discloses] rediscloses<sup>1</sup> personal information covered by the  
 46 provisions of this act shall keep <sup>1</sup>for a period of five years<sup>1</sup> records

1 identifying each person or entity that receives information and the  
2 permitted purpose for which the information will be used <sup>1</sup>[for a  
3 period of five years]<sup>1</sup> and <sup>1</sup>[must] shall<sup>1</sup> make such records available  
4 to the division upon request. <sup>3</sup>Any person who receives, from any  
5 source, personal information from a motor vehicle record shall release  
6 or disclose that information only in accordance with this act.<sup>3</sup>

7 <sup>1</sup> <sup>3</sup>[e.] f. <sup>3</sup> The release of personal information under this section  
8 shall not include an individual's social security number except in  
9 accordance with applicable State or federal law.<sup>1</sup>

10  
11 3. A person who knowingly obtains or discloses personal  
12 information from a motor vehicle record for any use not permitted  
13 under section 2 of P.L. , c. (C. ) (now before the Legislature as  
14 this bill) is guilty of a <sup>3</sup>[disorderly persons offense] crime of the fourth  
15 degree<sup>3</sup>.

16  
17 <sup>3</sup>[4. A person who makes a false representation to obtain any  
18 personal information from an individual's motor vehicle record shall  
19 be guilty of a disorderly persons offense.]<sup>3</sup>

20  
21 <sup>3</sup>[5.] 4.<sup>3</sup> a. A person who knowingly obtains, discloses or uses  
22 personal information from a motor vehicle record for a purpose not  
23 permitted under this act shall be liable to the individual to whom the  
24 information pertains, who may bring a civil action in the Superior  
25 Court.

26 b. The court may award:

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

29 (2) punitive damages upon proof of willful or reckless disregard of  
30 the law;

31 (3) reasonable attorney's fees and other litigation costs reasonably  
32 incurred; and

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

35  
36 <sup>3</sup>5. Nothing in this act shall be construed as authorizing the division  
37 to obtain personal information, except as provided in subsection b. of  
38 section 2 of this act.<sup>3</sup>

39  
40 6. This act shall take effect <sup>2</sup>[September 13, 1997, but the Director  
41 of the Division of Motor Vehicles is authorized to take any action in  
42 advance as shall be necessary to implement the provisions of this act]  
43 immediately but shall be inoperative until the 31st day after  
44 enactment<sup>2</sup>.

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3 Implements federal "Driver's Privacy Protection Act."