

[First Reprint]  
SENATE, No. 642

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senators SCHLUTER, MATHEUSSEN and Cafiero

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

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

**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 SLP committee amendments adopted November 7, 1996.

1 manner consistent with and in furtherance of the purpose for which the  
2 information was obtained.

3 d. <sup>1</sup>[Any person who (1) knowingly performs a registration plate  
4 number check in violation of the provisions of subsection a. of this  
5 section, or (2) fails to exercise due care to determine that a request for  
6 a registration plate number check is authorized pursuant to subsection  
7 a. of this section, or (3) requests through fraud or misrepresentation  
8 a registration plate number check shall be liable to a civil penalty of  
9 not more than \$2,000. The penalty shall be collected and enforced in  
10 summary proceedings pursuant to "the penalty enforcement law,"  
11 (N.J.S.2A:58-1 et seq.). The action shall commence in the Superior  
12 Court in the name of the State upon the complaint of the director or  
13 the Attorney General. In addition to the civil penalty imposed  
14 pursuant to this subsection, a public officer or employee who  
15 knowingly violates subsection a. of this section shall be subject to  
16 appropriate disciplinary sanctions] A person who knowingly obtains,  
17 discloses or uses personal information from a motor vehicle  
18 registration record for a purpose not permitted under this act shall be  
19 liable to the individual to whom the information pertains, who may  
20 bring a civil action in the Superior Court. The court may award:

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

23 (2) Punitive damages upon proof of willful or reckless disregard of  
24 the law;

25 (3) Reasonable attorney fees and other litigation costs reasonably  
26 incurred; and

27 (4) Such other preliminary and equitable relief as the court  
28 determines to be appropriate<sup>1</sup>.

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

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

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Provides limited confidentiality for certain motor vehicle information.