

SENATE, No. 940

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1996

By Senators BENNETT and PALAIA

1 AN ACT concerning the confidentiality of certain information about
2 motor vehicle owners and supplementing chapter 3 of Title 39 of
3 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. As used in this act, "personal information" means information
9 that identifies an individual, including an individual's photograph,
10 social security number, driver identification number, name, address,
11 telephone number, and medical or disability information.

12 b. The Division of Motor Vehicles may release personal information
13 only if authorized to do so under the provisions of this act.

14 c. The following persons and agencies are authorized to receive
15 personal information:

16 (1) Persons authorized in writing by the person to whom the
17 information pertains.

18 (2) Persons authorized by court order.

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

21 (4) When authorized by regulation adopted by the director, with the
22 approval of the Commissioner of Transportation pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.), for credit transactions, the issuance or renewal of policies of
25 insurance, consumer product recalls, the reporting or litigation of
26 claims involving motor vehicles, news reporting by a representative of
27 the news media who holds valid press credentials, or the lawful
28 business needs of persons licensed pursuant to the provisions of "The
29 Private Detective Act," P.L.1939, c.369 (C.45:19-8 et seq.).

30 (5) When authorized by regulation adopted by the director, with the
31 approval of the Commissioner of Transportation pursuant to the
32 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.),
33 for other lawful business or private purposes, provided the director
34 provides, through a check-off box on license and registration
35 applications, an opportunity for the licensee or registrant to prohibit
36 the use of his personal information for these purposes. The division
37 shall not release personal information of a person who declines such

1 use by means of the check-off procedure.

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3 2. a. The division shall maintain reasonable procedures designed to
4 avoid violations of this act. These procedures shall require that
5 prospective users of personal information identify themselves, certify
6 the purposes for which the information is sought and certify that the
7 information will be used for no other purpose. The division shall make
8 a reasonable effort to verify the identity of a new prospective user of
9 personal information and the uses certified by the prospective user
10 prior to furnishing the information. The division shall not furnish any
11 personal information to any person or agency if it has reasonable
12 grounds for believing that the information will be used for a purpose
13 or by a person not authorized under this act.

14 b. Any person who (1) knowingly seeks to obtain personal
15 information in violation of the provisions of section 1 of this act, (2)
16 fails to exercise due care to determine that a request for personal
17 information is authorized pursuant to subsection a. of this section, or
18 (3) requests through fraud or misrepresentation personal information
19 shall be liable to a civil penalty of not more than \$2,000. The penalty
20 shall be collected and enforced in summary proceedings pursuant to
21 "the penalty enforcement law," (N.J.S.2A:58-1 et seq.). The action
22 shall commence in the Superior Court in the name of the State upon
23 the complaint of the director or the Attorney General. In addition to
24 the civil penalty imposed pursuant to this subsection, a public officer
25 or employee who knowingly violates the provisions of this act shall be
26 subject to appropriate disciplinary sanctions.

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28 3. The Director of the Division of Motor Vehicles shall adopt rules
29 and regulations pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the
31 purposes of this act.

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33 4. This act shall take effect on the first day of the fifth month after
34 enactment, except that section 3 shall take effect immediately.

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STATEMENT

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39 Currently, a person may obtain the name and address of a driver by
40 submitting the driver's license plate number to the Division of Motor
41 Vehicles (DMV) and paying a fee of \$8. The provision of this
42 information to persons without a legitimate need for it has led to
43 serious abuses.

44 This bill limits the public availability of this information through the
45 DMV, thus providing a measure of confidentiality to drivers who do
46 not wish their identities or addresses to be known to strangers. Under

1 the bill, such information would be released only to certain requesters
2 for specified reasons, including: (1) those given written permission by
3 the registrant; (2) those authorized by court order; (3) governmental
4 agencies, including police, for legitimate governmental or law
5 enforcement purposes, and (4) those persons authorized by regulation
6 adopted by the Commissioner of Transportation for certain lawful
7 business and private purposes, including credit transactions, insurance
8 policies, product recalls, news reporting and private detective work.

9 However, motorists would have the opportunity to prohibit the use
10 of their personal information for business purposes. This opportunity
11 would be provided by means of a check-off box on driver's license and
12 vehicle registration applications.

13 A fine of up to \$2,000 is provided for persons who violate the act's
14 provisions. In addition, public employees who violate the act would
15 be subject to disciplinary measures.

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20 Provides for confidentiality of certain motor vehicle information.