

STATEMENT TO
[Second Reprint]
SENATE, No. 1302

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: MAY 22, 1997

These floor amendments to the proposed "Driver's Privacy Protection Act" would provide more specifically for a review process for requests for driver records; require that requests for records submitted with the written consent of the individual to whom the information pertains be submitted with the notarized written consent of the individual; clarify that the bill does not expand the authority of the Division of Motor Vehicles to obtain personal information; and increase the penalties for a violation of the act.

The amendments provide that a person requesting a motor vehicle record shall produce proper identification and submit a written request form for approval by the division. The written request form would bear notice that the making of false statements therein is punishable and would include, but not be limited to, the requestor's name and address; the requestor's driver's license number or corporate identification number; the requestor's reason for requesting the record; the driver's license number or the name, address and birth date of the person whose driver record is requested; the license plate number or VIN number of the vehicle for which a record is requested; any additional information determined by the director to be appropriate; and the requestor's certification as to the truth of the foregoing statements. Prior to the approval of the written request form, the division may also require the requestor to submit documentary evidence supporting the reason for the request.

The amendments also provide that the division may permit a person to participate in a public information program on an ongoing basis. A person would be required to complete and submit for approval of the director or the director's designee, on a case by case basis, a written application form. The written application form would bear notice that the making of false statements therein is punishable and would include, but not be limited to, the applicant's name, address and telephone number; the nature of the applicant's business activity; a description of each of the applicant's intended uses of the information contained in the motor vehicle records to be requested; the number of employees with access to the information; the name, title and signature of the authorized company representative; and any additional information determined by the director to be appropriate. The director may also require the applicant to submit a copy of its business credentials, such

as license to do business or certificate of incorporation. Prior to approval by the director or the director's designee, the applicant shall certify in writing as to the truth of all statements contained in the completed application form.

The amendments also provide that a person who receives, from any source, personal information from a motor vehicle record shall release or disclose that information only in accordance with this act.

The amendments insert a new section in the bill which provides that nothing in the act shall be construed as authorizing the division to obtain personal information except that information required to be provided by a person seeking access to motor vehicle records.

The amendments increase the penalties for violation of the act. The amendments provide that a person who knowingly obtains or discloses personal information from a motor vehicle record for any use not permitted by the act is guilty of a crime of the fourth degree. The amendments delete the section of the bill which would have created a separate disorderly persons offense for making a false representation to obtain any personal information from an individual's motor vehicle record. However, a person making a false statement on the written application required by subsection b. of section 2 of the act is guilty of a crime of the fourth degree under the provisions of N.J.S.2C:28-3. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$7,500 or both.