

SENATE, No. 1589

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senator SCOTT

1 AN ACT concerning the release of personal information by the
2 Division of Motor Vehicles and supplementing chapter 3 of Title 39
3 of the Revised Statutes.

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

7
8 1. a. The Division of Motor Vehicles shall not release, sell or
9 otherwise distribute personal information from its driver license or
10 motor vehicle registration files for any purpose unless such release is
11 explicitly authorized by the licensee or registrant in compliance with
12 this act.

13 As used in this act, "personal information" means information that
14 identifies an individual, including an individual's photograph, social
15 security number, driver identification number, name, address,
16 telephone number, and medical or disability information, but does not
17 include information on vehicular accidents, driving violations, and
18 driver's status.

19 b. The division shall include with every initial and renewal
20 application for a driver's license or motor vehicle registration, as the
21 case may be, a form which enumerates in writing any personal
22 information on that application that the division proposes to make
23 available and describes the manner in which this information will be
24 used. The form also shall clearly state that this information will be
25 released only if the applicant assents by signing the form, in space
26 provided for that purpose, and returning it to the division.

27 c. The division shall not release, sell or otherwise distribute
28 personal information unless it has on file a form bearing the signature
29 of the licensee or registrant obtained pursuant to subsection b. of this
30 section.

31 d. This section shall not apply to the release of personal
32 information to:

33 (1) Persons authorized in writing by the person to whom the
34 information pertains.

35 (2) Persons authorized by court order.

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

1 (4) When authorized by regulation adopted by the director, with
2 the approval of the Attorney General pursuant to the "Administrative
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for lawful
4 purposes related to credit transactions, the issuance or renewal of
5 policies of insurance, consumer product recalls, the reporting or
6 litigation of claims involving motor vehicles, news reporting by a
7 representative of the news media who holds valid press credentials,
8 and the lawful business needs of persons licensed pursuant to the
9 provisions of the Private Detective Act, P.L.1939, c. 369 (C.45:19-8
10 et seq.).

11

12 2. This act shall take effect immediately.

13

14

15

STATEMENT

16

17 This bill is intended to protect the privacy of drivers and motor
18 vehicle owners of this State. The State Treasurer is reportedly
19 considering selling personal information from the Division of Motor
20 Vehicles (DMV) driver and vehicle data base to direct mail advertisers
21 and other commercial interests. The FY 1997 Appropriations Act
22 contains a new revenue item of \$11 million from the "sale of the motor
23 vehicle data base."

24 This bill would prohibit DMV from releasing personal information
25 from any driver's license or motor vehicle registration without the
26 written consent of the licensee or registrant. Under the terms of the
27 bill, DMV would be required to provide applicants for a driver's
28 license or vehicle registration with a written description of any
29 personal information it wished to release and to describe the purposes
30 for which this information would be used. No information could be
31 released by DMV until the applicant returned a signed form indicating
32 assent.

33 The bill defines personal information as information that identifies
34 an individual, including an individual's photograph, social security
35 number, driver identification number, name, address, telephone
36 number, and medical or disability information, but does not include
37 information on vehicular accidents, driving violations, and driver's
38 status.

39 The bill exempts from its provisions personal information released
40 pursuant to court order, required by governmental and law
41 enforcement agencies, and that which is authorized by regulations
42 approved by the Attorney General for lawful purposes related to
43 credit transactions, the issuance of insurance policies, product recalls,
44 news reporting, and the needs of licensed private detectives.

S1589

3

1

2

3 Requires written assent for release of personal information by DMV.