

ASSEMBLY BILL NO. 165—COMMITTEE ON TRANSPORTATION

FEBRUARY 25, 2013

Referred to Committee on Transportation

SUMMARY—Limits the purposes for which the Director of the Department of Motor Vehicles is allowed to release certain personal information. (BDR 43-995)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Department of Motor Vehicles; limiting the purposes for which the Director of the Department is allowed to release certain personal information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Director of the Department of Motor Vehicles is
2 allowed to release lists of license plate numbers and personally identifiable
3 information that is requested by the presentation of a license plate number if a
4 person is authorized to obtain such information pursuant to a contract entered into
5 with the Department and if such information is requested for the purpose of an
6 advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the
7 purpose of providing information concerning the history of a vehicle.
8 (NRS 481.063) This bill prohibits the Director from providing personal information
9 to individuals or companies for the purpose of marketing extended vehicle
10 warranties.

11 Existing law also provides that if a person or governmental entity provides a
12 description of the information requested and its proposed use and signs an affidavit
13 to that effect, the Director of the Department of Motor Vehicles may, under certain
14 circumstances, release any personal information, except a photograph, from a file
15 or record relating to a driver's license, identification card, or title or registration of
16 a vehicle for use in the bulk distribution of surveys, marketing material or
17 solicitations. (NRS 481.063) This bill eliminates the authority of the Director to
18 release personal information for use in the bulk distribution of surveys, marketing
19 material or solicitations.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 481.063 is hereby amended to read as follows:
2 481.063 1. The Director may charge and collect reasonable
3 fees for official publications of the Department and from persons
4 making use of files and records of the Department or its various
5 divisions for a private purpose. All money so collected must be
6 deposited in the State Treasury for credit to the Motor Vehicle Fund.
7 2. Except as otherwise provided in subsection 6, the Director
8 may release personal information, except a photograph, from a file
9 or record relating to the driver's license, identification card, or title
10 or registration of a vehicle of a person if the requester submits a
11 written release from the person who holds a lien on the vehicle, or
12 an agent of that person, or the person about whom the information is
13 requested which is dated not more than 90 days before the date of
14 the request. The written release must be in a form required by the
15 Director.
16 3. Except as otherwise provided in subsections 2 and 4, the
17 Director shall not release to any person who is not a representative
18 of the Division of Welfare and Supportive Services of the
19 Department of Health and Human Services or an officer, employee
20 or agent of a law enforcement agency, an agent of the public
21 defender's office or an agency of a local government which collects
22 fines imposed for parking violations, who is not conducting an
23 investigation pursuant to NRS 253.0415 or 253.220, who is not
24 authorized to transact insurance pursuant to chapter 680A of NRS or
25 who is not licensed as a private investigator pursuant to chapter 648
26 of NRS and conducting an investigation of an insurance claim:
27 (a) A list which includes license plate numbers combined with
28 any other information in the records or files of the Department;
29 (b) The social security number of any person, if it is requested to
30 facilitate the solicitation of that person to purchase a product or
31 service; or
32 (c) The name, address, telephone number or any other
33 personally identifiable information if the information is requested by
34 the presentation of a license plate number.
35 ↳ When such personally identifiable information is requested of a
36 law enforcement agency by the presentation of a license plate
37 number, the law enforcement agency shall conduct an investigation
38 regarding the person about whom information is being requested or,
39 as soon as practicable, provide the requester with the requested
40 information if the requester officially reports that the motor vehicle
41 bearing that license plate was used in a violation of NRS 205.240,
42 205.345, 205.380 or 205.445.



1 4. If a person is authorized to obtain such information pursuant
2 to a contract entered into with the Department and if such
3 information is requested for the purpose of an advisory notice
4 relating to a motor vehicle or the recall of a motor vehicle or for the
5 purpose of providing information concerning the history of a
6 vehicle, the Director may release:

7 (a) A list which includes license plate numbers combined with
8 any other information in the records or files of the Department; or

9 (b) The name, address, telephone number or any other
10 personally identifiable information if the information is requested by
11 the presentation of a license plate number.

12 5. Except as otherwise provided in subsections 2, 4 and 6 and
13 NRS 483.294, 483.855 and 483.937, the Director shall not release
14 any personal information from a file or record relating to a driver's
15 license, identification card, or title or registration of a vehicle.

16 6. Except as otherwise provided in paragraph (a) and
17 subsection 7, if a person or governmental entity provides a
18 description of the information requested and its proposed use and
19 signs an affidavit to that effect, the Director may release any
20 personal information, except a photograph, from a file or record
21 relating to a driver's license, identification card, or title or
22 registration of a vehicle for use:

23 (a) By any governmental entity, including, but not limited to,
24 any court or law enforcement agency, in carrying out its functions,
25 or any person acting on behalf of a federal, state or local
26 governmental agency in carrying out its functions. The personal
27 information may include a photograph from a file or record relating
28 to a driver's license, identification card, or title or registration of a
29 vehicle.

30 (b) In connection with any civil, criminal, administrative or
31 arbitration proceeding before any federal or state court, regulatory
32 body, board, commission or agency, including, but not limited to,
33 use for service of process, investigation in anticipation of litigation,
34 and execution or enforcement of judgments and orders, or pursuant
35 to an order of a federal or state court.

36 (c) In connection with matters relating to:

- 37 (1) The safety of drivers of motor vehicles;
38 (2) Safety and thefts of motor vehicles;
39 (3) Emissions from motor vehicles;
40 (4) Alterations of products related to motor vehicles;
41 (5) An advisory notice relating to a motor vehicle or the
42 recall of a motor vehicle;
43 (6) Monitoring the performance of motor vehicles;
44 (7) Parts or accessories of motor vehicles;
45 (8) Dealers of motor vehicles; or



1 (9) Removal of nonowner records from the original records
2 of motor vehicle manufacturers.

3 (d) By any insurer, self-insurer or organization that provides
4 assistance or support to an insurer or self-insurer or its agents,
5 employees or contractors, in connection with activities relating to
6 the rating, underwriting or investigation of claims or the prevention
7 of fraud.

8 (e) In providing notice to the owners of vehicles that have been
9 towed, repossessed or impounded.

10 (f) By an employer or its agent or insurer to obtain or verify
11 information relating to a holder of a commercial driver's license
12 who is employed by or has applied for employment with the
13 employer.

14 (g) By a private investigator, private patrol officer or security
15 consultant who is licensed pursuant to chapter 648 of NRS, for any
16 use permitted pursuant to this section.

17 (h) By a reporter or editorial employee who is employed by or
18 affiliated with any newspaper, press association or commercially
19 operated, federally licensed radio or television station for a
20 journalistic purpose. The Department may not make any inquiries
21 regarding the use of or reason for the information requested other
22 than whether the information will be used for a journalistic purpose.

23 (i) In connection with an investigation conducted pursuant to
24 NRS 253.0415 or 253.220.

25 (j) In activities relating to research and the production of
26 statistical reports, if the personal information will not be published
27 or otherwise redisclosed, or used to contact any person.

28 ~~{(k) In the bulk distribution of surveys, marketing material or~~
29 ~~solicitations, if the Director has adopted policies and procedures to~~
30 ~~ensure that:~~

31 ~~—— (1) The information will be used or sold only for use in the~~
32 ~~bulk distribution of surveys, marketing material or solicitations;~~

33 ~~—— (2) Each person about whom the information is requested has~~
34 ~~clearly been provided with an opportunity to authorize such a use;~~
35 ~~and~~

36 ~~—— (3) If the person about whom the information is requested~~
37 ~~does not authorize such a use, the bulk distribution will not be~~
38 ~~directed toward that person.}~~

39 7. Except as otherwise provided in paragraph (j) of subsection
40 6, *the Director shall not provide personal information to*
41 *individuals or companies for the purpose of marketing extended*
42 *vehicle warranties, and* a person who requests and receives
43 personal information may sell or disclose that information only for a
44 use permitted pursuant to subsection 6. Such a person shall keep and
45 maintain for 5 years a record of:



- 1 (a) Each person to whom the information is provided; and
- 2 (b) The purpose for which that person will use the information.
- 3 ↪ The record must be made available for examination by the
- 4 Department at all reasonable times upon request.

5 8. Except as otherwise provided in subsection 2, the Director

6 may deny any use of the files and records if the Director reasonably

7 believes that the information taken may be used for an unwarranted

8 invasion of a particular person's privacy.

9 9. Except as otherwise provided in NRS 485.316, the Director

10 shall not allow any person to make use of information retrieved

11 from the system created pursuant to NRS 485.313 for a private

12 purpose and shall not in any other way release any information

13 retrieved from that system.

14 10. The Director shall adopt such regulations as the Director

15 deems necessary to carry out the purposes of this section. In

16 addition, the Director shall, by regulation, establish a procedure

17 whereby a person who is requesting personal information may

18 establish an account with the Department to facilitate the person's

19 ability to request information electronically or by written request if

20 the person has submitted to the Department proof of employment or

21 licensure, as applicable, and a signed and notarized affidavit

22 acknowledging that the person:

23 (a) Has read and fully understands the current laws and

24 regulations regarding the manner in which information from the

25 Department's files and records may be obtained and the limited uses

26 which are permitted;

27 (b) Understands that any sale or disclosure of information so

28 obtained must be in accordance with the provisions of this section;

29 (c) Understands that a record will be maintained by the

30 Department of any information he or she requests; and

31 (d) Understands that a violation of the provisions of this section

32 is a criminal offense.

33 11. It is unlawful for any person to:

34 (a) Make a false representation to obtain any information from

35 the files or records of the Department.

36 (b) Knowingly obtain or disclose any information from the files

37 or records of the Department for any use not permitted by the

38 provisions of this chapter.

39 12. As used in this section:

40 (a) "Personal information" means information that reveals the

41 identity of a person, including, without limitation, his or her

42 photograph, social security number, driver's license number,

43 identification card number, name, address, telephone number or

44 information regarding a medical condition or disability. The term

45 does not include the zip code of a person when separate from his or



1 her full address, information regarding vehicular accidents or
2 driving violations in which he or she has been involved or other
3 information otherwise affecting his or her status as a driver.

4 (b) "Vehicle" includes, without limitation, an off-highway
5 vehicle as defined in NRS 490.060.

6 **Sec. 2.** This act becomes effective on July 1, 2013.

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