

Drivers Protection Act of 1994

Notice: This act was passed into Federal Law and required to be passed by the individual states within two years of federal passage or the state who did not do so would suffer loss of certain highway funding by the federal government. To the best of this authors knowledge all states passed the act in its present form or modified it within the confines of the act. It could be made more restrictive but not less. You must check with your state to see if the law was passed by your state and if any changes or further restrictions apply to you because of your residency in the affected state.

Sec.2721. Prohibition on release and use of certain personal information from state motor vehicle records

(A) In General - Except as provided in subsection (b), a state department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

(B) Permissible Uses. - Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles an dealers by motor vehicle manufactures, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act and the Motor Vehicle Information and Cost Savings Act, The National Traffic Act Motor Vehicle safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act and may be disclosed as follows:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State or local agency in carrying out its functions.

(2) For use in connections with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in normal course of business by a legitimate business or its agents, employees or contractors, but only-

(a) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(b) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with any civil, criminal, administrative or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgements and orders, or pursuant to an order of a Federal, State, or local court.

(5) For use in research activities and for use in producing statistical reports, so long as the personal information is not published, or disclosed, or used to contact individuals.

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or agents, employees, or contractors, in connection with claims investigation activities, antifraud

activities, rating or underwriting.

(7) For use in providing notice to owners of towed or impounded vehicles.

(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial drivers license that is required under the commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).

(10) For use in connection with the operation of private toll transportation facilities

(11) For any other use in response to requests for individual motor vehicles records if the motor vehicle department has provided a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any business or person, and has provided in clear and conspicuous manner on such forms an opportunity to prohibit such disclosures.

(12) For bulk distribution for surveys, marketing or solicitations if the motor vehicle department has implemented methods and procedures to ensure that-

(a) individuals are provided and opportunity. In a clear and conspicuous manner. To prohibit such use; and

(b) the information will be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

(13) For use by any requested, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

(C.) Resale or Redisclosure. - An authorized recipient of personal information (except a recipient under subsection (b) (11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under section (b) (11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b) (12) may resell or redisclose personal information pursuant to section (b) (12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this title must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

(D.) Waiver Procedures. - A state motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

Sec. 2722. Additional unlawful acts

(A) Procurement for Unlawful Purpose. - It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted

under section 2721 (b) of this title.

(B) False Representation. - It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

Sec. 2723 Penalties

(A) Criminal Fine. - A person who knowingly violates this chapter shall be fined under this title.

(B) Violations by State Department of Motor Vehicles. - Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5000.00 a day for each day of substantial noncompliance.

Sec. 2724 Civil Action

(A) Cause of Action. - A person who knowingly obtains, discloses or used personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States District Court.

(B) Remedies. - The court may award -

- (1) Actual damages, but not less than liquidated damages in the amount of \$2500.00;
- (2) Punitive damages upon proof of willful or reckless disregard of the law;
- (3) Reasonable attorney's fees and other litigation costs reasonably incurred; and
- (4) Such other preliminary and equitable relief as the court determines to be appropriate.