

House Bill 743

By: Representatives Powell of the 23rd, Parham of the 94th, Reece of the 21st, and Chambers of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so
2 as to provide that motor vehicle records maintained by the commissioner may be available
3 for use as provided in the federal Driver's Privacy Protection Act of 1994; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
8 by striking Code Section 40-2-130, relating to records of certificates of registrations, in its
9 entirety and inserting in its place the following:

10 "40-2-130.

11 (a) A record of certificates of registration shall be maintained by the commissioner or the
12 commissioner's duly authorized county tag agent. All certificates of registration shall be
13 issued:

14 (1) Under a distinctive tag registration number assigned to the vehicle;

15 (2) Under the identifying number of the vehicle;

16 (3) Alphabetically, under the name of the owner;

17 (4) Under the vehicle title number; and

18 (5) In the discretion of the commissioner, in any other method the commissioner
19 determines.

20 (b) The commissioner is authorized and empowered to provide for photographic and
21 photostatic recording of certificate of registration records in such manner as he may deem
22 expedient. The photographic or photostatic copies authorized in this subsection shall be
23 admitted in evidence in all actions and proceedings to the same extent that the originals
24 would have been admitted.

25 (c) The motor vehicle registration records which the commissioner is required to maintain
26 under this Code section or any other provision are exempt from the provisions of any law

1 of this state requiring that such records be open for public inspection; provided, however,
 2 that, subject to subsection (d) of this Code section, the records of any particular motor
 3 vehicle ~~may~~ shall be available for inspection use as provided in the federal Driver's Privacy
 4 Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

5 ~~(1) Any law enforcement officer for official law enforcement investigations as certified~~
 6 ~~by the commanding officer of the law enforcement agency making such request;~~

7 ~~(2) The owner of the vehicle. When the title or registration records maintained by the~~
 8 ~~commissioner have not been changed to reflect a new owner of the vehicle, proof of~~
 9 ~~proprietary interest must be submitted prior to release of the information;~~

10 ~~(3) Any judgment creditor of the owner of the vehicle upon the presentation of a fi. fa.;~~

11 ~~(4) Any individual or an authorized agent or representative of such individual involved~~
 12 ~~in a motor vehicle accident either as an operator of a motor vehicle, a passenger in a~~
 13 ~~motor vehicle, or a pedestrian;~~

14 ~~(5)~~(1) Any licensed dealer of new or used motor vehicles;

15 ~~(6) Any person for the purposes of a manufacturer's recall;~~

16 ~~(7)~~(2) Any tax collector, tax receiver, or tax commissioner;

17 ~~(8)~~(3) The director of the Environmental Protection Division of the Department of
 18 Natural Resources or his or her designee; and

19 ~~(9)~~(4) Any private person who has met the requirements of Code Section 40-2-25,
 20 provided that the information shall be used for the sole purpose of effectuating the
 21 registration or renewal of motor vehicles by electronic or similar means and that the
 22 private person requesting the information has entered into an agreement to provide
 23 electronic services to the commissioner or a county tag agent; provided, further, that the
 24 information made available pursuant to this paragraph for such purpose shall be limited
 25 to the vehicle identification number, the license tag number, the date of expiration of
 26 registration, and the amount of tax owed.

27 (d) Notwithstanding the definition of personal information under Code Section 40-5-1,
 28 personal information furnished under this Code section shall be limited to the natural
 29 person's name, address, and driver identification number. The personal information
 30 obtained by a business under this Code section shall not be resold or redisclosed for any
 31 purposes other than those permitted under the federal Driver's Privacy Protection Act of
 32 1994, 18 U.S.C. Chapter 123, without the written consent of the individual. Furnishing of
 33 information to a business under this Code section shall be pursuant to a contract entered
 34 into by such business and the state which specifies the consideration to be paid by such
 35 business to the state for such information and the frequency of updates.

1 (e) The commissioner may, if necessary, promulgate reasonable rules and regulations
 2 outlining additional circumstances under which such records shall be open for public
 3 inspection."

4 **SECTION 2.**

5 Code Section 40-3-23 of the Official Code of Georgia Annotated, relating to issuance of
 6 certificate of title, maintenance of record of certificates issued, public inspection, furnishing
 7 records for fee, and publishing statistical reports, is amended by striking said Code section
 8 in its entirety and inserting in its place the following:

9 "40-3-23.

10 (a) The commissioner or the commissioner's duly authorized county tag agent shall file
 11 each application received and, when satisfied as to its genuineness and regularity and that
 12 the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of
 13 title of the vehicle.

14 (b) The commissioner or the commissioner's duly authorized county tag agent shall
 15 maintain a record of all certificates of title issued:

16 (1) Under a distinctive title number assigned to the vehicle;

17 (2) Under the identifying number of the vehicle;

18 (3) Alphabetically, under the name of the owner;

19 (4) Under the vehicle tag registration number; and

20 (5) In the discretion of the commissioner, in any other method the commissioner
 21 determines.

22 (c) The commissioner or the commissioner's duly authorized county tag agent is
 23 authorized and empowered to provide for photographic and photostatic recording of
 24 certificate of title records in such manner as the commissioner or the commissioner's duly
 25 authorized county tag agent may deem expedient. The photographic or photostatic copies
 26 authorized in this subsection shall be sufficient as evidence in tracing of titles of the motor
 27 vehicles designated therein and shall also be admitted in evidence in all actions and
 28 proceedings to the same extent that the originals would have been admitted.

29 (d) The motor vehicle records which the commissioner or the commissioner's duly
 30 authorized county tag agent is required to maintain under this Code section or any other
 31 provision are exempt from the provisions of any law of this state requiring that such
 32 records be open for public inspection; provided, however, that, subject to subsection (e) of
 33 this Code section, the records ~~of any particular motor vehicle may shall~~ be available for
 34 inspection use as provided in the federal Driver's Privacy Protection Act of 1994, 18
 35 U.S.C. Chapter 123 and by the following:

1 ~~(1) Any law enforcement officer for official law enforcement investigations as certified~~
 2 ~~by the commanding officer of the law enforcement agency making such request;~~

3 ~~(2) The owner of the vehicle. When the title or registration records of the department~~
 4 ~~have not been changed to reflect a new owner of the vehicle, proof of proprietary interest~~
 5 ~~must be submitted prior to release of the information;~~

6 ~~(3) Any judgment creditor of the owner of the vehicle upon the presentation of a fi. fa.;~~

7 ~~(4) Any individual or an authorized agent or representative of such individual involved~~
 8 ~~in a motor vehicle accident either as an operator of a motor vehicle, a passenger in a~~
 9 ~~motor vehicle, or a pedestrian;~~

10 ~~(5)~~(1) Any licensed dealer of new or used motor vehicles; and

11 ~~(6) Any person for the purposes of a manufacturer's recall; and~~

12 ~~(7)~~(2) Any tax collector, tax receiver, or tax commissioner.

13 (d.1) In addition to any public inspection of records authorized under subsection (d) of this
 14 Code section:

15 ~~(1) Motor~~ motor vehicle records consisting of vehicle description, title status, title
 16 brands, last recorded mileage, recorded liens, or recorded security interests which the
 17 commissioner or the commissioner's duly authorized county tag agent is required to
 18 maintain under this Code section shall, in such manner and under such conditions as
 19 prescribed by the commissioner, be furnished individually or in bulk to any person upon
 20 payment of a reasonable fee, for any purpose not otherwise prohibited by law, including
 21 without limitation for the purpose of providing information to allow for informed motor
 22 vehicle purchase and safety decisions. Records furnished in accordance with this
 23 ~~paragraph~~ subsection may be subsequently transferred to third parties. Personal
 24 information of any registrant, including name, address, date of birth, or driver's license
 25 or social security number, shall not be furnished or transferred by or to any person
 26 pursuant to this paragraph; ~~and~~

27 ~~(2) The commissioner may in his or her discretion publish or permit to be published~~
 28 ~~statistical reports from records maintained under this Code section, provided that such~~
 29 ~~reports shall not disclose any natural person's name, address, date of birth, or driver's~~
 30 ~~license or social security number.~~

31 (e) Notwithstanding the definition of personal information under Code Section 40-5-1,
 32 personal information furnished under this Code section shall be limited to the natural
 33 person's name, address, and driver identification number. The personal information
 34 obtained by a business under this Code section shall not be resold or redisclosed for any
 35 purposes other than those permitted under the federal Drivers Privacy Protection Act of
 36 1994, 18 U.S.C. Chapter 123, without the written consent of the individual. Furnishing of
 37 information to a business under this Code section shall be pursuant to a contract entered

1 into by such business and the state which specifies the consideration to be paid by such
2 business to the state for such information and the frequency of updates.

3 ~~(e)~~(f) The commissioner may, if necessary, promulgate reasonable rules and regulations
4 outlining additional circumstances under which such records shall be open for public
5 inspection."

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.