

House Bill 945

By: Representatives Rice of the 51<sup>st</sup>, Parham of the 141<sup>st</sup>, Stephens of the 164<sup>th</sup>, Roberts of the 154<sup>th</sup>, and Coan of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-2-130 of the Official Code of Georgia Annotated, relating to  
2 records of certificates of registration, so as to allow persons engaged in providing notification  
3 to owners of towed or impounded vehicles to access motor vehicle registration records; to  
4 amend Code Section 40-3-23 of the Official Code of Georgia Annotated, relating to issuance  
5 of certificates of title, maintenance of record of certificates issued, and records for a fee, so  
6 as to allow persons engaged in providing notification to owners of towed or impounded  
7 vehicles to access motor vehicle certificate of title records; to provide for related matters; to  
8 provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Code Section 40-2-130 of the Official Code of Georgia Annotated, relating to records of  
11 certificates of registration, is amended by revising paragraphs (3) and (4) and adding a new  
12 paragraph (5) in subsection (c) and revising subsection (d) to read as follows:

14 "(3) The director of the Environmental Protection Division of the Department of Natural  
15 Resources or his or her designee; ~~and~~

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

24 (5) A person or entity authorized by the commissioner for use in providing notice to the  
25 owners of towed or impounded vehicles.

1 (d) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,  
 2 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1) through ~~(4)~~  
 3 (5) of subsection (c) of this Code section shall be limited to the natural person's name,  
 4 address, and driver identification number. The personal information obtained by a business  
 5 under this Code section shall not be resold or redisclosed for any purposes other than those  
 6 permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter  
 7 123, without the written consent of the individual. Furnishing of information to a business  
 8 under this Code section shall be pursuant to a contract entered into by such business and  
 9 the state which specifies the consideration to be paid by such business to the state for such  
 10 information and the frequency of updates."

## 11 SECTION 2.

12 Code Section 40-3-23 of the Official Code of Georgia Annotated, relating to issuance of  
 13 certificates of title, maintenance of record of certificates issued, and records for a fee, is  
 14 amended by revising paragraphs (1) and (2) and adding a new paragraph (3) in subsection  
 15 (d) and revising subsection (f) to read as follows:

16 "(d) The motor vehicle records which the commissioner or the commissioner's duly  
 17 authorized county tag agent is required to maintain under this Code section or any other  
 18 provision are exempt from the provisions of any law of this state requiring that such  
 19 records be open for public inspection; provided, however, that, subject to subsection (f) of  
 20 this Code section, the records may be disclosed for use as provided in the federal Driver's  
 21 Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

- 22 (1) Any licensed dealer of new or used motor vehicles; ~~and~~  
 23 (2) Any tax collector, tax receiver, or tax commissioner; and  
 24 (3) A person or entity authorized by the commissioner for use in providing notice to the  
 25 owners of towed or impounded vehicles."

26 "(f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,  
 27 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1), ~~and~~ (2), and  
 28 (3) of subsection (d) of this Code section shall be limited to the natural person's name,  
 29 address, and driver identification number. The personal information obtained by a business  
 30 under this Code section shall not be resold or redisclosed for any purposes other than those  
 31 permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter  
 32 123, without the written consent of the individual. Furnishing of information to a business  
 33 under this Code section shall be pursuant to a contract entered into by such business and  
 34 the state which specifies the consideration to be paid by such business to the state for such  
 35 information and the frequency of updates."

1 **SECTION 3.**

2 This Act shall become effective on July 1, 2008.

3 **SECTION 4.**

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