

Senate Bill 421

By: Senators Loudermilk of the 52nd, Mullis of the 53rd, Hill of the 32nd and Ligon, Jr. of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to add certain persons to those authorized to receive motor vehicle registration
3 records; to add certain persons to the list of persons authorized to receive motor vehicle
4 certificate of title records; to provide for related matters; to provide for an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
9 amended by revising subsections (c) and (d) of Code Section 40-2-130, relating to records
10 of certificates of registration, as follows:

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

- 17 (1) Any licensed dealer of new or used motor vehicles;
18 (2) Any tax collector, tax receiver, or tax commissioner;
19 (3) The director of the Environmental Protection Division of the Department of Natural
20 Resources or his or her designee;
21 (4) Any private person who has met the requirements of Code Section 40-2-25, provided
22 that the information shall be used for the sole purpose of effectuating the registration or
23 renewal of motor vehicles by electronic or similar means and that the private person
24 requesting the information has entered into an agreement to provide electronic services
25 to the commissioner or a county tag agent; provided, further, that the information made
26 available pursuant to this paragraph for such purpose shall be limited to the vehicle

27 identification number, the license tag number, the date of expiration of registration, and
 28 the amount of tax owed; ~~and~~

29 (5) A person or entity authorized by the commissioner for use in providing notice to the
 30 owners of towed or impounded vehicles; and

31 (6) A person or entity licensed and authorized to conduct investigations by the Secretary
 32 of State under the provisions of Chapter 38 of Title 43 which is engaged in an active
 33 investigation for which such information is required.

34 (d) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,
 35 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1) through ~~(5)~~
 36 (6) of subsection (c) of this Code section shall be limited to the natural person's name,
 37 address, and driver identification number. The personal information obtained by a business
 38 under this Code section shall not be resold or redisclosed for any purposes other than those
 39 permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter
 40 123, without the written consent of the individual. Furnishing of information to a business
 41 under this Code section shall be pursuant to a contract entered into by such business and
 42 the state which specifies the consideration to be paid by such business to the state for such
 43 information and the frequency of updates."

44 **SECTION 2.**

45 Said title is further amended by revising subsections (d) and (f) of Code Section 40-3-23,
 46 relating to issuance of certificates of title, as follows:

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

53 (1) Any licensed dealer of new or used motor vehicles;

54 (2) Any tax collector, tax receiver, or tax commissioner; ~~and~~

55 (3) A person or entity authorized by the commissioner for use in providing notice to the
 56 owners of towed or impounded vehicles; and

57 (4) A person or entity licensed and authorized to conduct investigations by the Secretary
 58 of State under the provisions of Chapter 38 of Title 43 which is engaged in an active
 59 investigation for which such information is required."

60 "(f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,
 61 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1), ~~(2)~~, ~~and (3)~~
 62 through (4) of subsection (d) of this Code section shall be limited to the natural person's

63 name, address, and driver identification number. The personal information obtained by a
64 business under this Code section shall not be resold or redisclosed for any purposes other
65 than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
66 Chapter 123, without the written consent of the individual. Furnishing of information to
67 a business under this Code section shall be pursuant to a contract entered into by such
68 business and the state which specifies the consideration to be paid by such business to the
69 state for such information and the frequency of updates."

70 **SECTION 3.**

71 This Act shall become effective on July 1, 2012.

72 **SECTION 4.**

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