

## House Bill 296

By: Representatives Powell of the 32<sup>nd</sup>, Ramsey of the 72<sup>nd</sup>, Talton of the 147<sup>th</sup>, Jackson of the 128<sup>th</sup>, and Atwood of the 179<sup>th</sup>

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 the Department of Revenue to establish certain  
5 procedures and to promulgate rules and regulations; to provide for related matters; to provide  
6 for effective dates; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

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

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

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

27 available pursuant to this paragraph for such purpose shall be limited to the vehicle  
 28 identification number, the license tag number, the date of expiration of registration, and  
 29 the amount of tax owed; and

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

32 (6) An individual licensed by or registered with the Georgia Board of Private Detective  
 33 and Security Agencies and authorized to conduct investigations under the provisions of  
 34 Chapter 38 of Title 43 for the use in connection with any civil, criminal, administrative,  
 35 or arbitral proceeding in any federal, state, or local court or agency, or before any  
 36 self-regulatory body, including the service of process, investigation in anticipation of  
 37 litigation, and the execution or enforcement of judgments and orders, or pursuant to an  
 38 order of a federal, state, or local court. The commissioner is authorized and directed to  
 39 establish procedures and safeguards, which may include registration, and promulgate  
 40 rules and regulations to effectuate the purposes of this paragraph.

41 (d) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,  
 42 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1) through ~~(5)~~  
 43 (6) of subsection (c) of this Code section shall be limited to the natural person's name,  
 44 address, and driver identification number. The personal information obtained by a business  
 45 under this Code section shall not be resold or redisclosed for any purposes other than those  
 46 permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter  
 47 123, without the written consent of the individual. Furnishing of information to a business  
 48 under this Code section shall be pursuant to a contract entered into by such business and  
 49 the state which specifies the consideration to be paid by such business to the state for such  
 50 information and the frequency of updates. Information may be provided by means  
 51 designated by the commissioner, including through mail, electronic transmission, or the use  
 52 of a provider authorized by the commissioner."

53 **SECTION 2.**

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

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

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

63 (2) Any tax collector, tax receiver, or tax commissioner; ~~and~~  
 64 (3) A person or entity authorized by the commissioner for use in providing notice to the  
 65 owners of towed or impounded vehicles; and  
 66 (4) An individual licensed by or registered with the Georgia Board of Private Detective  
 67 and Security Agencies and authorized to conduct investigations under the provisions of  
 68 Chapter 38 of Title 43 for the use in connection with any civil, criminal, administrative,  
 69 or arbitral proceeding in any federal, state, or local court or agency, or before any  
 70 self-regulatory body, including the service of process, investigation in anticipation of  
 71 litigation, and the execution or enforcement of judgments and orders, or pursuant to an  
 72 order of a federal, state, or local court. The commissioner is authorized and directed to  
 73 establish procedures and safeguards, which may include registration, and promulgate  
 74 rules and regulations to effectuate the purposes of this paragraph."  
 75 "(f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994,  
 76 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1), ~~(2)~~, ~~and (3)~~  
 77 through (4) of subsection (d) of this Code section shall be limited to the natural person's  
 78 name, address, and driver identification number. The personal information obtained by a  
 79 business under this Code section shall not be resold or redisclosed for any purposes other  
 80 than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.  
 81 Chapter 123, without the written consent of the individual. Furnishing of information to  
 82 a business under this Code section shall be pursuant to a contract entered into by such  
 83 business and the state which specifies the consideration to be paid by such business to the  
 84 state for such information and the frequency of updates. Information may be provided by  
 85 means designated by the commissioner, including through mail, electronic transmission,  
 86 or the use of a provider authorized by the commissioner."

87 **SECTION 3.**

88 For purposes of proposing rules and regulations, this Act shall become effective upon its  
 89 approval by the Governor or upon its becoming law without such approval. For all other  
 90 purposes, this Act shall become effective on September 1, 2013.

91 **SECTION 4.**

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