

House Bill 296 (COMMITTEE SUBSTITUTE)

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

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. Such regulations may
 41 include the ability to deny such disclosure or suspend or terminate such access where
 42 deemed appropriate by the commissioner or his or her designee.

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

55 **SECTION 2.**

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

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

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

91 **SECTION 3.**

92 For purposes of proposing rules and regulations, this Act shall become effective upon its

93 approval by the Governor or upon its becoming law without such approval. For all other

94 purposes, this Act shall become effective on September 1, 2013.

95 **SECTION 4.**

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