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AB-398 Department of Motor Vehicles: records. (2021-2022)

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Assembly Bill No. 398

CHAPTER 90

An act to amend Section 1810 of the Vehicle Code, relating to the Department of Motor Vehicles.

[Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 398, Fong. Department of Motor Vehicles: records.

Existing law authorizes the Department of Motor Vehicles to permit inspection of, or sell, or both, information from its records concerning the registration of a vehicle or information from the files of drivers' licenses at a charge sufficient to pay at least the actual cost to the department for providing the inspection or sale of that information, except as specified.

This bill would eliminate the authority for the department to sell vehicle registration and driver's license information, and would instead provide that the charge for providing the inspection of the information shall not exceed the actual cost to the department.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1810 of the Vehicle Code is amended to read:

1810. (a) Except as provided in Sections 1806.5, 1808.2, 1808.4, 1808.5, 1808.6, 1808.7, 1808.8, and paragraph (2) of subdivision (a) of Section 12800.5, the department may permit inspection of information from its records concerning the registration of a vehicle or information from the files of drivers' licenses at a charge that shall not exceed the actual cost to the department for providing the inspection of the information, including, but not limited to, costs incurred by the department in carrying out subdivision (b), with the charge for the information to be determined by the director. This section does not apply to statistical information of the type previously compiled and distributed by the department.

(b) (1) With respect to the inspection of information concerning the registration of a vehicle or of information from the files of drivers' licenses, the department shall establish, by regulation, administrative procedures under which a person making a request for that information shall be required to identify themselves and state the reason for making the request. The procedures shall provide for the verification of the name and address of the person making a request for the information, and the department may require the person to produce that information as it determines is necessary to ensure that the name and address of the person is the true name and address. The procedures may provide for a 10-day delay in the release of the requested information. The procedures shall also provide for notification to the person to whom the information primarily relates, as to what information was provided and to whom it was provided. The department shall establish, by regulation, a reasonable period of time for which a record of all the foregoing shall be maintained.

(2) The procedures required by paragraph (1) do not apply to a governmental entity, a person or an organization who has applied for and has been issued a requester code by the department, or a court of competent jurisdiction.

(c) With respect to the inspection of information from the files of drivers' licenses, the department may require both the full name of the driver and either the driver's license number or date of birth as identifying points of the record, except that the department may disclose a record without two identifying points if the department determines that the public interest in disclosure outweighs the public interest in personal privacy.

(d) With respect to the inspection of information from the files of drivers' licenses, certificates of ownership, and registration cards, the department shall not allow, for a fee or otherwise, copying by the public.