



DEPARTMENT OF REVENUE

DIVISION OF MOTOR VEHICLES
445 EAST CAPITOL AVE.
PIERRE, SOUTH DAKOTA 57501-3100

PHONE: (605) 773-3541
FAX: (605) 773-4117
(605) 773-5129

TO: Agencies with On-Line Access to Motor Vehicle Records
FROM: Debra A. Hillmer, Director of Motor Vehicles
SUBJ: Driver's Privacy Protection Act
DATE: November 1, 2000

The Driver's Privacy Protection Act (DPPA) is federal legislation passed in 1994. Several states challenged the provisions of the Act and the Supreme Court ruled on the challenge in January of 1999. Since the Supreme Court upheld the provisions of the Act, we began its implementation in June of 2000.

The DPPA restricts states from disclosing an individual's personal information that is contained in the records of state motor vehicle departments without the individual's consent. The type of information restricted from being released includes: a person's name, address, telephone number, Social Security number, driver's license number.

The DPPA's provisions do not apply solely to states. The Act also regulates the resale and redisclosure of personal information by private persons who have obtained the information from a state DMV. The DPPA establishes several penalties to be imposed on states and individuals that fail to comply with the provisions of the DPPA. The Act makes it unlawful for any person knowingly to obtain or disclose any record for a use that is not permitted under its provisions, or to make a false representation in order to obtain personal information for a motor vehicle record.

A copy of the federal Driver's Privacy Protection Act is enclosed for your review. Within the Act, you will find the circumstances under which certain records can be disclosed.

In order to comply with the provisions of the DPPA, the Division of Motor Vehicles will enter into a contract with your organization for the release of motor vehicle information needed by you in order to conduct your business. The completed agreement should be returned to the Division of Motor Vehicles by December 1.

If you have any questions, please feel free to contact this office.



itation/Title
 8 USCA § 2721, Prohibition on release and use of certain personal information
 from State motor vehicle records

139170 18 U.S.C.A. § 2721

UNITED STATES CODE ANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE
PART I—CRIMES
CHAPTER 123—PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL
INFORMATION FROM STATE MOTOR VEHICLE RECORDS

Current through P.L. 106-170, approved 12-17-99

2721. Prohibition on release and use of certain personal information from State motor vehicle records

(a) In general.--Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

(b) Permissible uses.--Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321-331 of title 49, and may be disclosed as follows:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only--

*139171 (A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

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(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any other use in response to requests for individual motor vehicle records if the motor vehicle department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any business or person, and has provided in a clear and conspicuous manner on such forms an opportunity to prohibit such disclosures.

(12) For bulk distribution for surveys, marketing or solicitations if the motor vehicle department has implemented methods and procedures to ensure that--

*139172 (A) individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

(B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

(13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

(c) Resale or redisclosure.--An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b)(11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this chapter must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

(d) Waiver procedures.--A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

CREDIT(S)

2000 Pocket Part

Added Pub.L. 103-322, Title XXX, § 300002(a), Sept. 13, 1994, 108 Stat. 2099, and amended Pub.L. 104-287, § 1, Oct. 11, 1996, 110 Stat. 3388; Pub.L. 104-294, Title VI, § 604(b)(46), Oct. 11, 1996, 110 Stat. 3509; Pub.L. 106-69, Title III, § 350(c), (d), Oct. 9, 1999, 113 Stat. 1025.)

<General Materials (GM) - References, Annotations, or Tables>

***139173 TEXT**

AMENDMENT OF SUBSEC. (B)(11), (12)

<Pub.L. 106-69, Title III, § 350(c), (d), (g)(2), Oct. 9, 1999, 113 Stat. 1025, provided that, effective on June 1, 2000, excluding the States of Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas that shall be

