



General Assembly

February Session, 2000

Amendment

LCO No. 5057

Offered by:

SEN. BOZEK, 6th Dist.

To: Subst. House Bill No. 5893

File No. 679

Cal. No. 517

***"An Act Limiting Disclosure Of Individuals'
Photographs And Computerized Images By State
Agencies."***

1 In line 12, after "specify", insert "an expiration date for such consent
2 and"

3 Strike line 20 in its entirety

4 In line 21, strike "disclosure" and insert the following in lieu thereof:
5 "the executive head of such agency has obtained the express consent of
6 such individual"

7 In line 25, strike ", a law enforcement investigation,"

8 In line 32, strike "substitute senate bill 98 of the"

9 In line 33, strike "current session" and insert "this act" in lieu thereof

10 After line 35, insert the following and renumber the remaining
11 section accordingly:

12 "Sec. 2. Section 14-10 of the general statutes, as amended by section
13 2 of public act 99-77, section 1 of public act 99-232 and section 28 of
14 public act 99-268, is repealed and the following is substituted in lieu
15 thereof:

16 (a) For the purposes of this section:

17 (1) "Disclose" means to engage in any practice or conduct to make
18 available and make known, by any means of communication, personal
19 information contained in a motor vehicle record pertaining to an
20 individual to any other individual, organization or entity;

21 (2) "Motor vehicle record" means any record that pertains to an
22 operator's license, learner's permit, identity card, registration,
23 certificate of title or any other document issued by the Department of
24 Motor Vehicles;

25 (3) "Personal information" means information that identifies an
26 individual and includes an individual's photograph or computerized
27 image, Social Security number, operator's license number, name,
28 address other than the zip code, telephone number, or medical or
29 disability information, but does not include information on motor
30 vehicle accidents or violations, or information relative to the status of
31 an operator's license, registration or insurance coverage; and

32 [(4) "Consent" means a written authorization signed]

33 (4) "Express consent" means an affirmative agreement given by the
34 individual who is the subject of personal information that specifically
35 grants permission to the department to release such information to the
36 requesting party. Such agreement shall (A) be in writing or such other
37 form as the commissioner may determine in regulations adopted in
38 accordance with the provisions of chapter 54, and (B) specify an
39 expiration date for such consent and a procedure for the individual to
40 withdraw such consent, as provided in regulations adopted in
41 accordance with the provisions of chapter 54.

42 (b) A number shall be assigned to each motor vehicle registration
43 and operator's license and a record of all applications for motor vehicle
44 registrations and operators' licenses issued shall be kept by the
45 commissioner at the main office of the Department of Motor Vehicles.

46 (c) (1) All records of the Department of Motor Vehicles pertaining to
47 the application for registration, and the registration, of motor vehicles
48 of the current or previous three years shall be maintained by the
49 commissioner at the main office of the department. Any such records
50 over three years old may be destroyed at the discretion of the
51 commissioner. (2) Before disclosing personal information pertaining to
52 an applicant or registrant from such motor vehicle records or allowing
53 the inspection of any such record containing such personal information
54 in the course of any transaction conducted at such main office, the
55 commissioner shall ascertain whether such disclosure is authorized
56 under subsection (f) of this section, and require the person or entity
57 making the request to (A) complete an application that shall be on a
58 form prescribed by the commissioner, (B) provide two forms of
59 acceptable identification and (C) pay a fee of fifteen dollars to the
60 commissioner in addition to any fee required under section 14-50a. An
61 attorney-at-law admitted to practice in this state may provide juris
62 number to the commissioner in lieu of the requirements of
63 subparagraph (B) of this subdivision. The commissioner may disclose
64 such personal information or permit the inspection of such record
65 containing such information only if such disclosure is authorized
66 under subsection (f) of this section.

67 (d) The commissioner may disclose personal information from a
68 motor vehicle record pertaining to an operator's license or a driving
69 history or permit the inspection or copying of any such record or
70 history containing such information in the course of any transaction
71 conducted at the main office of the department only if such disclosure
72 is authorized under subsection (f) of this section. Any such records
73 over five years old may be destroyed at the discretion of the
74 commissioner.

75 (e) In the event (1) a federal court judge, federal court magistrate or
76 judge of the Superior Court, Appellate Court or Supreme Court of the
77 state, (2) a member of a municipal police department or a member of
78 the Division of State Police within the Department of Public Safety, (3)
79 an employee of the Department of Correction, (4) an attorney-at-law
80 who represents or has represented the state in a criminal prosecution,
81 or (5) a member or employee of the Board of Parole submits a written
82 request and furnishes such individual's business address to the
83 commissioner, such business address only shall be disclosed or
84 available for public inspection to the extent authorized by this section.

85 (f) The commissioner may disclose personal information from a
86 motor vehicle record to (1) any federal, state or local government
87 agency in carrying out its functions or to any individual or entity
88 acting on behalf of any such agency, or (2) any individual, organization
89 or entity that signs and files with the commissioner, under penalty of
90 false statement as provided in section 53a-157b, a statement on a form
91 approved by the commissioner, together with such supporting
92 documentation or information as the commissioner may require, that
93 such information will be used for any of the following purposes:

94 (A) In connection with matters of motor vehicle or driver safety and
95 theft, motor vehicle emissions, motor vehicle product alterations,
96 recalls or advisories, performance monitoring of motor vehicles and
97 dealers by motor vehicle manufacturers and removal of nonowner
98 records from the original owner records of motor vehicle
99 manufacturers to implement the provisions of the federal Automobile
100 Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle
101 Information and Cost Saving Act, 15 USC 1901 et seq., the National
102 Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., Anti-
103 Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42
104 USC 7401 et seq., as amended from time to time, and any provision of
105 the general statutes enacted to attain compliance with said federal acts;

106 (B) In the normal course of business by the requesting party, but
107 only to confirm the accuracy of personal information submitted by the

108 individual to the requesting party, provided the commissioner has
109 obtained the express consent of such individual;

110 (C) In connection with any civil, criminal, administrative or arbitral
111 proceeding in any court or government agency or before any self-
112 regulatory body, including the service of process, an investigation in
113 anticipation of litigation and the execution or enforcement of
114 judgments and orders, or pursuant to an order of any court provided
115 the requesting party is a party in interest to such proceeding;

116 (D) In connection with matters of motor vehicle or driver safety and
117 theft, motor vehicle emissions, motor vehicle product alterations,
118 recalls or advisories, performance monitoring of motor vehicles and
119 motor vehicle parts and dealers, motor vehicle market research
120 activities including survey research, motor vehicle product and service
121 communications, and removal of nonowner records from the original
122 owner records of motor vehicle manufacturers, provided the personal
123 information is not published, disclosed or used to contact individuals
124 except as permitted under subparagraph (A) of this subdivision;

125 (E) By any insurer or insurance support organization or by a self-
126 insured entity or its agents, employees or contractors, in connection
127 with the investigation of claims arising under insurance policies,
128 antifraud activities, rating or underwriting;

129 (F) In providing any notice required by law to owners or lienholders
130 named in the certificate of title of towed, abandoned or impounded
131 motor vehicles;

132 (G) By an employer or its agent or insurer to obtain or verify
133 information relating to a holder of a passenger endorsement or
134 commercial driver's license required under the federal Commercial
135 Motor Vehicle Safety Act of 1986, 49 USC 2304 et seq., and sections 14-
136 44 to 14-44m, inclusive;

137 (H) In connection with any lawful purpose of a labor organization,
138 as defined in section 31-77, provided (i) such organization has entered

139 into a contract with the commissioner, on such terms and conditions as
140 the commissioner may require, and (ii) the information will be used
141 only for the purposes specified in the contract other than campaign or
142 political purposes;

143 (I) For bulk distribution for surveys, marketing or solicitations
144 provided the commissioner has [entered into a contract with the
145 requesting individual, organization or entity under the provisions of
146 subsection (b) of section 14-50a and the Department of Motor Vehicles
147 has implemented methods and procedures that ensure that (i)
148 individuals are provided an opportunity, in a clear and conspicuous
149 manner, to prohibit such uses, and (ii) the information will be used
150 only for the purposes specified in the contract, and such surveys,
151 marketing and solicitations will not be directed to any individual who
152 has requested in a timely manner that such material not be directed to
153 such individual.] obtained the express consent of the individual to
154 whom such personal information pertains;

155 (J) For the purpose of preventing fraud by verifying the accuracy of
156 personal information submitted by an individual to a legitimate
157 business or an agent, employee or contractor of a legitimate business,
158 provided the commissioner has obtained the express consent of such
159 individual.

160 (g) Any person receiving personal information from a motor vehicle
161 record pursuant to subsection (f) of this section shall be entitled to use
162 such information for any of the purposes set forth in said subsection.

163 (h) Notwithstanding any provision of this section, the disclosure of
164 personal information from a motor vehicle record pursuant to
165 subsection (f) of this section shall be subject to the provisions of section
166 14-50a concerning (1) the fees that shall be charged for copies of or
167 information pertaining to motor vehicle records and (2) the authority
168 of the commissioner to establish fees for information furnished on a
169 volume basis in accordance with such terms and conditions regarding
170 the use and distribution of such information as the commissioner may

171 prescribe.

172 [(i) Notwithstanding the provisions of this section, the
173 commissioner shall not, on or before June 30, 2000, offer for sale or sell
174 individual photographs or computerized images collected for the
175 purpose of producing motor vehicle operator licenses.]

176 [(j)] (i) Notwithstanding any provision of this section that restricts or
177 prohibits the disclosure of personal information from a motor vehicle
178 record, the commissioner may disclose personal information contained
179 in any such record to any individual who is the subject of such
180 personal information or to any person who certifies under penalty of
181 false statement that such person has obtained the express consent of
182 the subject of such personal information.

183 [(k)] (j) The commissioner may adopt regulations in accordance with
184 chapter 54 to implement the provisions of this section."