



General Assembly

February Session, 2000

**Raised Bill No. 5893**

LCO No. 2643

Referred to Committee on Government Administration and  
Elections

Introduced by:  
(GAE)

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

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (a) As used in this section:

2 (1) "Disclose" means to engage in any practice or conduct to make  
3 available and make known, by any means of communication,  
4 information pertaining to an individual to any other individual,  
5 organization or entity;

6 (2) "Express consent" means an affirmative agreement signed by the  
7 individual who is the subject of a photograph or computerized image  
8 that specifically grants permission to a state agency to release such  
9 photograph or image to the requesting party, which agreement shall  
10 be in writing or such other form as the state agency may determine in  
11 regulations adopted in accordance with the provisions of chapter 54 of  
12 the general statutes; and

13 (3) "Requesting party" means a legitimate business or an agent,  
14 employee or contractor of a legitimate business.

15 (b) No state agency may disclose to the public an individual's  
16 photograph or computerized image in connection with the issuance of  
17 an identification card or other document by such state agency, unless  
18 the executive head of such agency has obtained the express consent of  
19 such individual. Such consent shall not be required for disclosure in  
20 connection with any civil, criminal, administrative or arbitral  
21 proceeding in any court or government agency or before any self-  
22 regulatory body, including the service of process, an investigation in  
23 anticipation of litigation and the execution or enforcement of  
24 judgments and orders, or pursuant to an order of any court provided  
25 the requesting party is a party in interest to such proceeding. A  
26 requesting party that receives personal information under this section  
27 shall not redisclose such personal information. Section 14-10 of the  
28 general statutes, as amended by this act, shall apply in lieu of the  
29 provisions of this section to photographs or images in connection with  
30 documents issued by the Department of Motor Vehicles.

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

35 (a) For the purposes of this section:

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

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

44 (3) "Personal information" means information that identifies an  
45 individual and includes an individual's photograph or computerized

46 image, Social Security number, operator's license number, name,  
47 address other than the zip code, telephone number, or medical or  
48 disability information, but does not include information on motor  
49 vehicle accidents or violations, or information relative to the status of  
50 an operator's license, registration or insurance coverage; and

51 (4) ["Consent" means a written authorization] "Express consent"  
52 means an affirmative agreement signed by the individual who is the  
53 subject of personal information that specifically grants permission to  
54 the department to release such information to the requesting party,  
55 which agreement shall be in writing or such other form as the  
56 commissioner may determine in regulations adopted in accordance  
57 with the provisions of chapter 54.

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

62 (c) (1) All records of the Department of Motor Vehicles pertaining to  
63 the application for registration, and the registration, of motor vehicles  
64 of the current or previous three years shall be maintained by the  
65 commissioner at the main office of the department. Any such records  
66 over three years old may be destroyed at the discretion of the  
67 commissioner. (2) Before disclosing personal information pertaining to  
68 an applicant or registrant from such motor vehicle records or allowing  
69 the inspection of any such record containing such personal information  
70 in the course of any transaction conducted at such main office, the  
71 commissioner shall ascertain whether such disclosure is authorized  
72 under subsection (f) of this section, and require the person or entity  
73 making the request to (A) complete an application that shall be on a  
74 form prescribed by the commissioner, (B) provide two forms of  
75 acceptable identification and (C) pay a fee of fifteen dollars to the  
76 commissioner in addition to any fee required under section 14-50a. An  
77 attorney-at-law admitted to practice in this state may provide juris

78 number to the commissioner in lieu of the requirements of  
79 subparagraph (B) of this subdivision. The commissioner may disclose  
80 such personal information or permit the inspection of such record  
81 containing such information only if such disclosure is authorized  
82 under subsection (f) of this section.

83 (d) The commissioner may disclose personal information from a  
84 motor vehicle record pertaining to an operator's license or a driving  
85 history or permit the inspection or copying of any such record or  
86 history containing such information in the course of any transaction  
87 conducted at the main office of the department only if such disclosure  
88 is authorized under subsection (f) of this section. Any such records  
89 over five years old may be destroyed at the discretion of the  
90 commissioner.

91 (e) In the event (1) a federal court judge, federal court magistrate or  
92 judge of the Superior Court, Appellate Court or Supreme Court of the  
93 state, (2) a member of a municipal police department or a member of  
94 the Division of State Police within the Department of Public Safety, (3)  
95 an employee of the Department of Correction, (4) an attorney-at-law  
96 who represents or has represented the state in a criminal prosecution,  
97 or (5) a member or employee of the Board of Parole submits a written  
98 request and furnishes such individual's business address to the  
99 commissioner, such business address only shall be disclosed or  
100 available for public inspection to the extent authorized by this section.

101 (f) The commissioner may disclose personal information from a  
102 motor vehicle record to (1) any federal, state or local government  
103 agency in carrying out its functions or to any individual or entity  
104 acting on behalf of any such agency, or (2) any individual, organization  
105 or entity that signs and files with the commissioner, under penalty of  
106 false statement as provided in section 53a-157b, a statement on a form  
107 approved by the commissioner, together with such supporting  
108 documentation or information as the commissioner may require, that  
109 such information will be used for any of the following purposes:

110 (A) In connection with matters of motor vehicle or driver safety and  
111 theft, motor vehicle emissions, motor vehicle product alterations,  
112 recalls or advisories, performance monitoring of motor vehicles and  
113 dealers by motor vehicle manufacturers and removal of nonowner  
114 records from the original owner records of motor vehicle  
115 manufacturers to implement the provisions of the federal Automobile  
116 Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle  
117 Information and Cost Saving Act, 15 USC 1901 et seq., the National  
118 Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., Anti-  
119 Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42  
120 USC 7401 et seq., as amended from time to time, and any provision of  
121 the general statutes enacted to attain compliance with said federal acts;

122 (B) In the normal course of business by the requesting party, but  
123 only to confirm the accuracy of personal information submitted by the  
124 individual to the requesting party, provided the commissioner has  
125 obtained the express consent of such individual;

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

132 (D) In connection with matters of motor vehicle or driver safety and  
133 theft, motor vehicle emissions, motor vehicle product alterations,  
134 recalls or advisories, performance monitoring of motor vehicles and  
135 motor vehicle parts and dealers, motor vehicle market research  
136 activities including survey research, motor vehicle product and service  
137 communications, and removal of nonowner records from the original  
138 owner records of motor vehicle manufacturers, provided the personal  
139 information is not published, disclosed or used to contact individuals  
140 except as permitted under subparagraph (A) of this subdivision;

141 (E) By any insurer or insurance support organization or by a self-

142 insured entity or its agents, employees or contractors, in connection  
143 with the investigation of claims arising under insurance policies,  
144 antifraud activities, rating or underwriting;

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

148 (G) By an employer or its agent or insurer to obtain or verify  
149 information relating to a holder of a passenger endorsement or  
150 commercial driver's license required under the federal Commercial  
151 Motor Vehicle Safety Act of 1986, 49 USC 2304 et seq., and sections 14-  
152 44 to 14-44m, inclusive;

153 (H) In connection with any lawful purpose of a labor organization,  
154 as defined in section 31-77, provided (i) such organization has entered  
155 into a contract with the commissioner, on such terms and conditions as  
156 the commissioner may require, and (ii) the information will be used  
157 only for the purposes specified in the contract other than campaign or  
158 political purposes;

159 (I) For bulk distribution for surveys, marketing or solicitations  
160 provided the commissioner has [entered into a contract with the  
161 requesting individual, organization or entity under the provisions of  
162 subsection (b) of section 14-50a and the Department of Motor Vehicles  
163 has implemented methods and procedures that ensure that (i)  
164 individuals are provided an opportunity, in a clear and conspicuous  
165 manner, to prohibit such uses, and (ii) the information will be used  
166 only for the purposes specified in the contract, and such surveys,  
167 marketing and solicitations will not be directed to any individual who  
168 has requested in a timely manner that such material not be directed to  
169 such individual.] obtained the express consent of the individual to  
170 whom such personal information pertains;

171 (J) For the purpose of preventing fraud by verifying the accuracy of  
172 personal information submitted by an individual to a legitimate

173 business or an agent, employee or contractor of a legitimate business,  
174 provided the commissioner has obtained the express consent of such  
175 individual.

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

179 (h) Notwithstanding any provision of this section, the disclosure of  
180 personal information from a motor vehicle record pursuant to  
181 subsection (f) of this section shall be subject to the provisions of section  
182 14-50a concerning (1) the fees that shall be charged for copies of or  
183 information pertaining to motor vehicle records and (2) the authority  
184 of the commissioner to establish fees for information furnished on a  
185 volume basis in accordance with such terms and conditions regarding  
186 the use and distribution of such information as the commissioner may  
187 prescribe.

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

192 [(j)] (i) Notwithstanding any provision of this section that restricts or  
193 prohibits the disclosure of personal information from a motor vehicle  
194 record, the commissioner may disclose personal information contained  
195 in any such record to any individual who is the subject of such  
196 personal information or to any person who certifies under penalty of  
197 false statement that such person has obtained the express consent of  
198 the subject of such personal information.

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

201 Sec. 3. This act shall take effect July 1, 2000.

***Statement of Purpose:***

To prohibit a state agency from disclosing an individual's photograph or computerized image from a motor vehicle operator's license or other identification document issued by a state agency without the express consent of such individual.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*