



***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 given 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. Such agreement shall (A)  
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 (B) specify an expiration date for such consent  
13 and a procedure for the individual to withdraw such consent, as  
14 provided in regulations adopted in accordance with the provisions of  
15 chapter 54; and
- 16 (3) "Requesting party" means a legitimate business or an agent,  
17 employee or contractor of a legitimate business.
- 18 (b) No state agency may disclose to the public an individual's

19 photograph or computerized image in connection with the issuance of  
20 an identification card or other document by such state agency, unless  
21 the executive head of such agency has obtained the express consent of  
22 such individual. Such consent shall not be required for disclosure in  
23 connection with any civil, criminal, administrative or arbitral  
24 proceeding in any court or government agency or before any self-  
25 regulatory body, including the service of process, an investigation in  
26 anticipation of litigation and the execution or enforcement of  
27 judgments and orders, pursuant to an order of any court provided the  
28 requesting party is a party in interest to such proceeding or pursuant  
29 to chapter 969 of the general statutes. A requesting party that receives  
30 personal information under this section shall not redisclose such  
31 personal information, except to an agent, employee or contractor of the  
32 requesting party. Section 14-10 of the general statutes, as amended by  
33 this act, shall apply in lieu of the provisions of this section to  
34 photographs or images in connection with documents issued by the  
35 Department of Motor Vehicles.

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38 public act 99-268, is repealed and the following is substituted in lieu  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

40 (a) For the purposes of this section:

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

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

49 (3) "Personal information" means information that identifies an

50 individual and includes an individual's photograph or computerized  
51 image, Social Security number, operator's license number, name,  
52 address other than the zip code, telephone number, or medical or  
53 disability information, but does not include information on motor  
54 vehicle accidents or violations, or information relative to the status of  
55 an operator's license, registration or insurance coverage; and

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

57 (4) "Express consent" means an affirmative agreement given by the  
58 individual who is the subject of personal information that specifically  
59 grants permission to the department to release such information to the  
60 requesting party. Such agreement shall (A) be in writing or such other  
61 form as the commissioner may determine in regulations adopted in  
62 accordance with the provisions of chapter 54, and (B) specify an  
63 expiration date for such consent and a procedure for the individual to  
64 withdraw such consent, as provided in regulations adopted in  
65 accordance with the provisions of chapter 54.

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

70 (c) (1) All records of the Department of Motor Vehicles pertaining to  
71 the application for registration, and the registration, of motor vehicles  
72 of the current or previous three years shall be maintained by the  
73 commissioner at the main office of the department. Any such records  
74 over three years old may be destroyed at the discretion of the  
75 commissioner. (2) Before disclosing personal information pertaining to  
76 an applicant or registrant from such motor vehicle records or allowing  
77 the inspection of any such record containing such personal information  
78 in the course of any transaction conducted at such main office, the  
79 commissioner shall ascertain whether such disclosure is authorized  
80 under subsection (f) of this section, and require the person or entity  
81 making the request to (A) complete an application that shall be on a

82 form prescribed by the commissioner, (B) provide two forms of  
83 acceptable identification and (C) pay a fee of fifteen dollars to the  
84 commissioner in addition to any fee required under section 14-50a. An  
85 attorney-at-law admitted to practice in this state may provide juris  
86 number to the commissioner in lieu of the requirements of  
87 subparagraph (B) of this subdivision. The commissioner may disclose  
88 such personal information or permit the inspection of such record  
89 containing such information only if such disclosure is authorized  
90 under subsection (f) of this section.

91 (d) The commissioner may disclose personal information from a  
92 motor vehicle record pertaining to an operator's license or a driving  
93 history or permit the inspection or copying of any such record or  
94 history containing such information in the course of any transaction  
95 conducted at the main office of the department only if such disclosure  
96 is authorized under subsection (f) of this section. Any such records  
97 over five years old may be destroyed at the discretion of the  
98 commissioner.

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

109 (f) The commissioner may disclose personal information from a  
110 motor vehicle record to (1) any federal, state or local government  
111 agency in carrying out its functions or to any individual or entity  
112 acting on behalf of any such agency, or (2) any individual, organization  
113 or entity that signs and files with the commissioner, under penalty of

114 false statement as provided in section 53a-157b, a statement on a form  
115 approved by the commissioner, together with such supporting  
116 documentation or information as the commissioner may require, that  
117 such information will be used for any of the following purposes:

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

130 (B) In the normal course of business by the requesting party, but  
131 only to confirm the accuracy of personal information submitted by the  
132 individual to the requesting party, provided the commissioner has  
133 obtained the express consent of such individual;

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

140 (D) In connection with matters of motor vehicle or driver safety and  
141 theft, motor vehicle emissions, motor vehicle product alterations,  
142 recalls or advisories, performance monitoring of motor vehicles and  
143 motor vehicle parts and dealers, motor vehicle market research  
144 activities including survey research, motor vehicle product and service  
145 communications, and removal of nonowner records from the original

146 owner records of motor vehicle manufacturers, provided the personal  
147 information is not published, disclosed or used to contact individuals  
148 except as permitted under subparagraph (A) of this subdivision;

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

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

156 (G) By an employer or its agent or insurer to obtain or verify  
157 information relating to a holder of a passenger endorsement or  
158 commercial driver's license required under the federal Commercial  
159 Motor Vehicle Safety Act of 1986, 49 USC 2304 et seq., and sections 14-  
160 44 to 14-44m, inclusive;

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

167 (I) For bulk distribution for surveys, marketing or solicitations  
168 provided the commissioner has [entered into a contract with the  
169 requesting individual, organization or entity under the provisions of  
170 subsection (b) of section 14-50a and the Department of Motor Vehicles  
171 has implemented methods and procedures that ensure that (i)  
172 individuals are provided an opportunity, in a clear and conspicuous  
173 manner, to prohibit such uses, and (ii) the information will be used  
174 only for the purposes specified in the contract, and such surveys,  
175 marketing and solicitations will not be directed to any individual who  
176 has requested in a timely manner that such material not be directed to

177 such individual.] obtained the express consent of the individual to  
178 whom such personal information pertains;

179 (J) For the purpose of preventing fraud by verifying the accuracy of  
180 personal information submitted by an individual to a legitimate  
181 business or an agent, employee or contractor of a legitimate business,  
182 provided the commissioner has obtained the express consent of such  
183 individual.

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

187 (h) Notwithstanding any provision of this section, the disclosure of  
188 personal information from a motor vehicle record pursuant to  
189 subsection (f) of this section shall be subject to the provisions of section  
190 14-50a concerning (1) the fees that shall be charged for copies of or  
191 information pertaining to motor vehicle records and (2) the authority  
192 of the commissioner to establish fees for information furnished on a  
193 volume basis in accordance with such terms and conditions regarding  
194 the use and distribution of such information as the commissioner may  
195 prescribe.

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

200 [(j)] (i) Notwithstanding any provision of this section that restricts or  
201 prohibits the disclosure of personal information from a motor vehicle  
202 record, the commissioner may disclose personal information contained  
203 in any such record to any individual who is the subject of such  
204 personal information or to any person who certifies under penalty of  
205 false statement that such person has obtained the express consent of  
206 the subject of such personal information.

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

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

**GAE Committee Vote:** Yea 19    Nay 2    JFS