

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 438
90TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 9, 1999, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

S2003.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 32.090 and 32.091, RSMo Supp. 1998, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 32.090 and 32.091, RSMo Supp. 1998, are repealed and two new sections enacted in lieu thereof, to be known as sections 32.090 and 32.091, to read as follows:

32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue **other than photographs** are public records and shall be made available to the public according to procedures established by the department. **The department is prohibited from disclosing any photograph to any person or entity other than a court or law enforcement agency or any person representing a newspaper or broadcast station.**

3. Except as otherwise provided by law, personal information **other than a photograph** obtained by the department shall be disclosed to any person requesting such personal information if the individual whose personal information is requested has not elected to prohibit the disclosure of such personal information pursuant to section 32.091.

32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an

individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section.

3. A notice that the personal information **other than photographs** may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.

4. Notwithstanding any other provision of law to the contrary, the department of revenue shall disclose any motor vehicle record or personal information **other than photographs** permitted to be disclosed pursuant to sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code.

5. Pursuant to section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.

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