

AMENDED IN ASSEMBLY JANUARY 6, 2010

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 953

Introduced by Assembly Member Eng

February 26, 2009

An act to amend Section 1808.22 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Eng. Department of Motor Vehicles: records: confidentiality.

Existing law requires the residence address in a record of the Department of Motor Vehicles to be kept confidential, with specified exceptions. ~~One exception applies to a financial institution that states that it has obtained a written waiver signed by the individual whose address is requested. Another~~ exception applies to an insurance company when the company requests the information for the purpose of obtaining the address of another motorist or vehicle owner involved in an accident with the company's insured.

This bill would expand these exceptions to include an employee or an authorized agent of ~~a financial institution and an employee or an authorized agent of~~ an insurance company. *This bill would also require that, among other things, all information obtained from the department by an agent or an employee shall be subject to the use or disclosure limitations and data security requirements that exist for any employer or principal under applicable state and federal law.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.22 of the Vehicle Code is amended
2 to read:

3 1808.22. (a) Section 1808.21 does not apply to a financial
4 institution licensed by the state or federal government to do
5 business in the State of California, ~~or to an employee or authorized~~
6 ~~agent of that financial institution~~, if the financial institution states
7 under penalty of perjury that it has obtained a written waiver of
8 Section 1808.21 signed by the individual whose address is
9 requested, or to providing the address of a person who has entered
10 into an agreement held by that institution prior to July 1, 1990, so
11 long as that agreement remains in effect.

12 (b) Section 1808.21 does not apply to an insurance company
13 licensed to do business in California, or to an employee or
14 authorized agent of that insurance company, if the company, under
15 penalty of perjury, requests the information for the purpose of
16 obtaining the address of another motorist or vehicle owner involved
17 in an accident with their insured, or requests the information on
18 an individual who has signed a written waiver of Section 1808.21
19 or the individuals insured under a policy if a named insured of that
20 policy has signed a written waiver.

21 (c) *Notwithstanding any other provisions of the Vehicle Code*
22 *and regulations adopted by the department, all information*
23 *obtained from the department pursuant to the exemptions in*
24 *subdivision (b) shall be subject to the then-existing use or*
25 *disclosure limitations and data security requirements for the*
26 *employer or principal under applicable state and federal law. Use*
27 *or disclosure limitations and data security requirements imposed*
28 *on agents and employees by this subdivision shall be enforced by*
29 *the department. The use or disclosure of information obtained*
30 *from the department pursuant to subdivision (b) shall only be in*
31 *the course of the agent or the employee providing services for the*
32 *principal relating to the transaction or event for which the*
33 *principal is allowed to obtain the information from the department,*
34 *and shall not be used or disclosed for any other purpose or to any*
35 *other person.*

1 ~~(e)~~

2 ~~(d)~~ Section 1808.21 does not apply to an attorney if the attorney
3 states, under penalty of perjury, that the motor vehicle or vessel
4 registered owner or driver residential address information is
5 necessary in order to represent his or her client in a criminal or
6 civil action that directly involves the use of the motor vehicle or
7 vessel that is pending, is to be filed, or is being investigated.
8 Information requested pursuant to this subdivision is subject to all
9 of the following:

10 (1) The attorney shall state that the criminal or civil action that
11 is pending, is to be filed, or is being investigated relates directly
12 to the use of that motor vehicle or vessel.

13 (2) The case number, if any, or the names of expected parties
14 to the extent they are known to the attorney requesting the
15 information, shall be listed on the request.

16 (3) A residence address obtained from the department shall not
17 be used for any purpose other than in furtherance of the case cited
18 or action to be filed or that is being investigated.

19 (4) If an action is not filed within a reasonable time, the
20 residence address information shall be destroyed.

21 (5) An attorney shall not request residence address information
22 pursuant to this subdivision in order to sell the information to a
23 person.

24 (6) Within 10 days of receipt of a request, the department shall
25 notify every individual whose residence address has been requested
26 pursuant to this subdivision.

27 ~~(d)~~

28 ~~(e)~~ A knowing violation of paragraph (1), (2), (3), (4), or (5) of
29 subdivision~~(e)~~ ~~(d)~~ is a misdemeanor. A knowing violation of
30 paragraph (1), (2), (3), (4), or (5) of subdivision~~(e)~~ ~~(d)~~ in
31 furtherance of another crime is subject to the same penalties as
32 that other crime.