

**Introduced by Senator Harman**

February 26, 2009

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

**LEGISLATIVE COUNSEL'S DIGEST**

SB 433, as introduced, Harman. 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 their insured.

This bill would require the department to submit a report to the Legislature on January 1, 2011 regarding all requests made to it in the 2010 calendar year pursuant to the above exceptions.

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 ~~which~~ that states under penalty

1 of perjury that it has obtained a written waiver of Section 1808.21  
2 signed by the individual whose address is requested, or to providing  
3 the address of ~~any~~ a person who has entered into an agreement  
4 held by that institution prior to July 1, 1990, so long as that  
5 agreement remains in effect.

6 (b) Section 1808.21 does not apply to an insurance company  
7 licensed to do business in California when the company, under  
8 penalty of perjury, requests the information for the purpose of  
9 obtaining the address of another motorist or vehicle owner involved  
10 in an accident with their insured, or requests the information on  
11 an individual who has signed a written waiver of Section 1808.21  
12 or the individuals insured under a policy if a named insured of that  
13 policy has signed a written waiver.

14 (c) Section 1808.21 does not apply to an attorney when the  
15 attorney states, under penalty of perjury, that the motor vehicle or  
16 vessel registered owner or driver residential address information  
17 is necessary in order to represent his or her client in a criminal or  
18 civil action which directly involves the use of the motor vehicle  
19 or vessel that is pending, is to be filed, or is being investigated.  
20 Information requested pursuant to this subdivision is subject to all  
21 of the following:

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

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

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

31 (4) If ~~no~~ an action is *not* filed within a reasonable time, the  
32 residence address information shall be destroyed.

33 (5) ~~No~~ An attorney shall *not* request residence address  
34 information pursuant to this subdivision in order to sell the  
35 information to ~~any~~ a person.

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

39 (d) A knowing violation of paragraph (1), (2), (3), (4), or (5) of  
40 subdivision (c) is a misdemeanor. A knowing violation of

1 paragraph (1), (2), (3), (4), or (5) of subdivision (c) in furtherance  
2 of another crime is subject to the same penalties as that other crime.

3 ~~(e) This section shall become operative on January 1, 2007.~~

4 *(e) The department shall be required to submit a report to the*  
5 *Legislature on January 1, 2011, regarding all requests made to*  
6 *the department in the 2010 calendar year pursuant to*  
7 *subparagraph (a) and (b).*

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