

AMENDED IN ASSEMBLY AUGUST 23, 2011

AMENDED IN ASSEMBLY JULY 5, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE MAY 10, 2011

SENATE BILL

No. 859

Introduced by Senator Padilla
(Coauthor: Assembly Member Blumenfield)

February 18, 2011

An act to amend Section 1808.23 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 859, as amended, Padilla. Vehicles: records: confidentiality.

(1) 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 vehicle manufacturer licensed to do business in this state if the manufacturer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of safety, warranty, or product recall if the manufacturer offers to make and makes any changes at no cost to the vehicle owner. Another exception applies to a dealer licensed to do business in this state if the dealer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of completing registration transactions and documents. A violation of the Vehicle Code is a crime.

This bill would add an exception for an electrical corporation, as defined, or a local publicly owned electric utility, if the corporation or utility, or its agent, under penalty of perjury, requests and uses the information only for the purposes of identifying where an electric vehicle

is registered and if certain conditions are met. By creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 1808.23 of the Vehicle Code is amended
2 to read:

3 1808.23. (a) Section 1808.21 does not apply to any of the
4 following:

5 (1) A vehicle manufacturer licensed to do business in this state
6 if the manufacturer, or its agent, under penalty of perjury, requests
7 and uses the information only for the purpose of safety, warranty,
8 including a warranty issued in compliance with Section 1795.92
9 of the Civil Code, emission, or product recall if the manufacturer
10 offers to make and makes any changes at no cost to the vehicle
11 owner.

12 (2) A dealer licensed to do business in this state if the dealer,
13 or its agent, under penalty of perjury, requests and uses the
14 information only for the purpose of completing registration
15 transactions and documents.

16 (3) A person who, under penalty of perjury, requests and uses
17 the information as permitted under subdivision (h) of Section
18 1798.24 of the Civil Code, if the request specifies that no persons
19 will be contacted by mail or otherwise at the address included with
20 the information released. The information released by the
21 department under this subdivision shall not be in a form that
22 identifies any person.

23 (4) An electrical corporation as defined in Section 218 of the
24 Public Utilities Code or a local publicly owned electric utility as
25 defined in Section 224.3 of the Public Utilities Code, if the
26 corporation or utility, or its agent, under penalty of perjury, requests
27 and uses the information only for the purposes of identifying where

1 an electric vehicle is registered. All of the following shall apply
2 to this paragraph:

3 (A) The department may disclose to the electrical corporation
4 or local publicly owned utility only the type of vehicle and address
5 of the electric vehicle owner. The department shall not disclose
6 the name of the electric vehicle owner.

7 (B) Within 15 days of receiving residence address information
8 from the department pursuant to this section, an electrical
9 corporation or local publicly owned utility shall provide a clear,
10 express disclosure to the electric vehicle owner that his or her
11 residence address information is ~~required~~ *permitted* by law to be
12 shared with the corporation or utility. The disclosure shall not
13 contain marketing information or a solicitation for the purchase
14 of goods or services.

15 (C) Confidential home address and type of vehicle information
16 of electric vehicle owners disclosed pursuant to this paragraph
17 shall only be used for the purpose of identifying where an electric
18 vehicle is registered and shall not be used or disclosed for any
19 other purpose, including for purposes of identifying the individual
20 or individuals residing at the address, or to any other person.

21 (D) The electrical corporation or local publicly owned utility
22 and its agents shall not sell, share, or further disclose, including
23 to any subsidiaries, *the* residence address or type of vehicle
24 information of electric vehicle owners obtained pursuant to this
25 paragraph, or name information determined by matching residence
26 information against the corporation or utility's customer records.:

27 (b) Residential addresses released shall not be used for direct
28 marketing or solicitation for the purchase of any consumer product
29 or service.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.