

**ASSEMBLY BILL**

**No. 933**

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**Introduced by Assembly Member Frazier**

February 26, 2015

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An act to amend Section 1808 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 933, as introduced, Frazier. Vehicles: DMV records.

Existing law provides that all records of the Department of Motor Vehicles relating to the registration of vehicles, other information contained on an application for a driver's license, abstracts of convictions, and certain abstracts of accident reports are required to be open to public inspection during office hours, except when a specific provision of law prohibits the disclosure of records or information or provides for confidentiality.

This bill would prohibit the Department of Motor Vehicles from prohibiting an insurance agent or broker from obtaining and distributing to an insurance company or to any policyholder of either a private passenger automobile liability policy or a commercial automobile liability policy any record or information that is open to public inspection pursuant to the provision described above. The bill would also delete an obsolete cross-reference.

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

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

1 SECTION 1. Section 1808 of the Vehicle Code is amended to  
2 read:

3 1808. (a) Except ~~where~~ *when* a specific provision of law  
4 prohibits the disclosure of records or information or provides for  
5 confidentiality, all records of the department relating to the  
6 registration of vehicles, other information contained on an  
7 application for a driver’s license, abstracts of convictions, and  
8 abstracts of accident reports required to be sent to the department  
9 in Sacramento, except for abstracts of accidents ~~where~~ *when*, in  
10 the opinion of a reporting officer, another individual was at fault,  
11 shall be open to public inspection during office hours. All abstracts  
12 of accident reports shall be available to law enforcement agencies  
13 and courts of competent jurisdiction.

14 (b) The department shall make available or disclose abstracts  
15 of convictions and abstracts of accident reports required to be sent  
16 to the department in Sacramento, as described in subdivision (a),  
17 if the date of the occurrence is not later than the following:

18 (1) Ten years for a violation pursuant to Section 23140, 23152,  
19 or 23153.

20 (2) Seven years for a violation designated as two points pursuant  
21 to Section 12810, except as provided in paragraph (1) of this  
22 subdivision.

23 (3) Three years for accidents and all other violations.

24 (c) The department shall make available or disclose suspensions  
25 and revocations of the driving privilege while the suspension or  
26 revocation is in effect and for three years following termination  
27 of the action or reinstatement of the privilege, except that driver’s  
28 license suspension actions taken pursuant to Sections 13202.6 and  
29 13202.7, or Section 256 ~~or 11350.6~~ of the Welfare and Institutions  
30 Code shall be disclosed only during the actual time period in which  
31 the suspension is in effect.

32 (d) The department shall not make available or disclose a  
33 suspension or revocation that has been judicially set aside or stayed.

34 (e) The department shall not make available or disclose personal  
35 information about a person unless the disclosure is in compliance  
36 with the Driver’s Privacy Protection Act of 1994 (18 U.S.C. Sec.  
37 2721 et seq.). However, a disclosure is subject to the prohibition  
38 in paragraph (2) of subdivision (a) of Section 12800.5.

1 (f) The department shall make available or disclose to the courts  
2 and law enforcement agencies a conviction of Section 23103, as  
3 specified in Section 23103.5, or a conviction of Section 23140,  
4 23152, or 23153, or Section 655 of the Harbors and Navigation  
5 Code, or paragraph (1) of subdivision (c) of Section 192 of the  
6 Penal Code for a period of 10 years from the date of the offense  
7 for the purpose of imposing penalties mandated by this code, or  
8 by other applicable provisions of California state law.

9 (g) The department shall make available or disclose to the courts  
10 and law enforcement agencies a conviction of Section 191.5, or  
11 subdivision (a) of Section 192.5 of the Penal Code, punished as a  
12 felony, for the purpose of imposing penalties mandated by Section  
13 23550.5, or by other applicable provisions of California state law.

14 (h) *The department shall not prohibit an insurance agent or*  
15 *broker from obtaining and distributing to an insurance company*  
16 *or to any policyholder of either a private passenger automobile*  
17 *liability policy or a commercial automobile liability policy any*  
18 *record or information that is open to public inspection pursuant*  
19 *to subdivision (a).*