

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 933

Introduced by Assembly Member Frazier

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 933, as amended, 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. *provide that consent to the use of a person's driver's license number by the insurance agent or broker of an insurer, insurance licensee, employer, or prospective employer to obtain, transmit, or otherwise utilize the motor vehicle records of that person pursuant to the provision described above is presumed if the person provides his or her driver's license number to an insurer, insurance licensee, employer, or prospective employer*~~

for the purpose of eligibility, underwriting, and rating of personal or commercial insurance coverage or eligibility for employment or continued employment involving the use of a motor vehicle. 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 when a specific provision of law prohibits
4 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 when, in the
10 opinion of a reporting officer, another individual was at fault, shall
11 be open to public inspection during office hours. All abstracts of
12 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 of the Welfare and Institutions Code shall
30 be disclosed only during the actual time period in which the
31 suspension is in effect.

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

3 (e) The department shall not make available or disclose personal
4 information about a person unless the disclosure is in compliance
5 with the Driver’s Privacy Protection Act of 1994 (18 U.S.C. Sec.
6 2721 et seq.). However, a disclosure is subject to the prohibition
7 in paragraph (2) of subdivision (a) of Section 12800.5.

8 (f) The department shall make available or disclose to the courts
9 and law enforcement agencies a conviction of Section 23103, as
10 specified in Section 23103.5, or a conviction of Section 23140,
11 23152, or 23153, or Section 655 of the Harbors and Navigation
12 Code, or paragraph (1) of subdivision (c) of Section 192 of the
13 Penal Code for a period of 10 years from the date of the offense
14 for the purpose of imposing penalties mandated by this code, or
15 by other applicable state law.

16 (g) The department shall make available or disclose to the courts
17 and law enforcement agencies a conviction of Section 191.5, or
18 subdivision (a) of Section 192.5 of the Penal Code, punished as a
19 felony, for the purpose of imposing penalties mandated by Section
20 23550.5, or by other applicable state law.

21 ~~(h) The department shall not prohibit an insurance agent or
22 broker from obtaining and distributing to an insurance company
23 or to any policyholder of either a private passenger automobile
24 liability policy or a commercial automobile liability policy any
25 record or information that is open to public inspection pursuant to
26 subdivision (a).~~

27 *(h) Consent to the use of a person’s driver’s license number by
28 the insurance agent or broker of an insurer, insurance licensee,
29 employer, or prospective employer to obtain, transmit, or otherwise
30 utilize the motor vehicle records of that person pursuant to this
31 section shall be presumed if the person provides his or her driver’s
32 license number, or the driver’s license number of any dependent,
33 to an insurer, insurance licensee, employer, or prospective
34 employer for the purpose of eligibility, underwriting, and rating
35 of personal or commercial insurance coverage or eligibility for
36 employment or continued employment involving the use of a motor
37 vehicle.*

O