

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN SENATE JUNE 16, 2015

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 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 provide that the insurance agent or broker of the insurer, insurance licensee, employer, or prospective employer is authorized to transmit motor vehicle records for these purposes, *as specified*, and would specify that an insurance agent or broker who has lawfully transmitted a record as authorized under these provisions is not responsible for the subsequent handling of that record by any recipient who is authorized to receive the record under these provisions. 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

1 license suspension actions taken pursuant to Sections 13202.6 and
2 13202.7, *Section 17520 of the Family Code*, or Section 256 of *of*,
3 *or former Section 11350.6 of*, the Welfare and Institutions Code
4 shall be disclosed only during the actual time period in which the
5 suspension is in effect.

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

8 (e) The department shall not make available or disclose personal
9 information about a person unless the disclosure is in compliance
10 with the Driver's Privacy Protection Act of 1994 (18 U.S.C. Sec.
11 2721 et seq.). However, a disclosure is subject to the prohibition
12 in paragraph (2) of subdivision (a) of Section 12800.5.

13 (f) The department shall make available or disclose to the courts
14 and law enforcement agencies a conviction of Section 23103, as
15 specified in Section 23103.5, or a conviction of Section 23140,
16 23152, or 23153, or Section 655 of the Harbors and Navigation
17 Code, or paragraph (1) of subdivision (c) of Section 192 of the
18 Penal Code for a period of 10 years from the date of the offense
19 for the purpose of imposing penalties mandated by this code, or
20 by other applicable state law.

21 (g) The department shall make available or disclose to the courts
22 and law enforcement agencies a conviction of Section 191.5, or
23 subdivision (a) of Section 192.5 of the Penal Code, punished as a
24 felony, for the purpose of imposing penalties mandated by Section
25 23550.5, or by other applicable state law.

26 (h) (1) Consent to the use of a person's driver's license number
27 by the insurance agent or broker of an insurer, insurance licensee,
28 employer, or prospective employer to obtain, transmit, or otherwise
29 utilize the motor vehicle records of that person pursuant to this
30 section shall be presumed if the person provides his or her driver's
31 license number, or the driver's license number of any dependent,
32 to an insurer, insurance licensee, employer, or prospective employer
33 for the purpose of eligibility, underwriting, and rating of personal
34 or commercial insurance coverage or eligibility for employment
35 or continued employment involving the use of a motor vehicle.

36 (2) (A) The insurance agent or broker of the insurer, insurance
37 licensee, employer, or prospective employer is authorized to
38 transmit motor vehicle records for the purposes described in
39 paragraph ~~(1) of this subdivision.~~ (1). An insurance agent or broker
40 who has lawfully transmitted a record as authorized by this section

1 is not responsible for the subsequent handling of that record by
2 any recipient who is authorized to receive a record under this
3 section.

4 *(B) Prior to transmitting records pursuant to this paragraph to*
5 *any insurer with whom the insurance broker or agent does not*
6 *have a written agreement, or to a third party authorized by this*
7 *paragraph to receive those records, the broker or agent shall*
8 *obtain a written agreement from the insurer or other third party*
9 *that the insurer or other third party shall handle those records in*
10 *accordance with state and federal laws governing fair credit*
11 *reporting and privacy.*

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