

AMENDED IN ASSEMBLY APRIL 14, 1998
AMENDED IN ASSEMBLY MARCH 23, 1998
AMENDED IN ASSEMBLY MARCH 9, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1730

Introduced by Assembly Member Wright

February 2, 1998

An act to amend Section 830.7 of the Penal Code, and to amend ~~Sections 1808.21 and~~ Section 1808.22 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1730, as amended, R. Wright. Department of Motor Vehicles: residence addresses: confidentiality.

Under existing law, the residence address in any record of the Department of Motor Vehicles is confidential, with specified exceptions.

This bill would add to those exceptions an independent institution of higher education that operates pursuant to a memorandum of understanding that permits a security officer of that institution to have arrest powers, as described in a specified provision of the Penal Code, *if the institution requests the address for the purpose of enforcing parking restrictions.*

In addition, for these purposes, the bill would require the institution to enter into a contractual agreement with the department that, at a minimum, requires the institution to

establish and maintain procedures for persons to contest parking violation notices issued by the institution and to remit a fee, as determined by the department, to cover the department's costs of providing each address to the institution.

The bill also would make technical changes to existing law, including the correction of an obsolete cross-reference.

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 830.7 of the Penal Code is
2 amended to read:

3 830.7. The following persons are not peace officers
4 but may exercise the powers of arrest of a peace officer
5 as specified in Section 836 during the course and within
6 the scope of their employment, if they successfully
7 complete a course in the exercise of those powers
8 pursuant to Section 832:

9 (a) Persons designated by a cemetery authority
10 pursuant to Section 8325 of the Health and Safety Code.

11 (b) Persons regularly employed as security officers for
12 independent institutions of higher education, recognized
13 under subdivision (b) of Section 66010 of the Education
14 Code, if the institution has concluded a memorandum of
15 understanding, permitting the exercise of that authority,
16 with the sheriff or the chief of police within whose
17 jurisdiction the institution lies.

18 (c) Persons regularly employed as security officers for
19 health facilities, as defined in Section 1250 of the Health
20 and Safety Code, that are owned and operated by cities,
21 counties, and cities and counties, if the facility has
22 concluded a memorandum of understanding, permitting
23 the exercise of that authority, with the sheriff or the chief
24 of police within whose jurisdiction the facility lies.

25 (d) Employees or classes of employees of the
26 California Department of Forestry and Fire Protection
27 designated by the Director of Forestry and Fire
28 Protection, provided that the primary duty of the



1 employee shall be the enforcement of the law as that duty
2 is set forth in Section 4156 of the Public Resources Code.

3 (e) Persons regularly employed as inspectors,
4 supervisors, or security officers for transit districts, as
5 defined in Section 99213 of the Public Utilities Code, if the
6 district has concluded a memorandum of understanding
7 permitting the exercise of that authority, with, as
8 applicable, the sheriff, the chief of police, or the
9 Department of the California Highway Patrol within
10 whose jurisdiction the district lies. For the purposes of this
11 subdivision, the exercise of peace officer authority may
12 include the authority to remove a vehicle from a railroad
13 right-of-way as set forth in Section 22656 of the Vehicle
14 Code.

15 (f) Nonpeace officers regularly employed as county
16 parole officers pursuant to Section 3089.

17 (g) Persons appointed by the Executive Director of
18 the California Science Center pursuant to Section 4108 of
19 the Food and Agricultural Code.

20 ~~SEC. 2. Section 1808.21 of the Vehicle Code is~~
21 ~~amended to read:~~

22 ~~1808.21. (a) Any residence address in any record of~~
23 ~~the department is confidential and shall not be disclosed~~
24 ~~to any person, except to any of the following:~~

25 ~~(1) A court.~~

26 ~~(2) A law enforcement agency.~~

27 ~~(3) Any other government agency.~~

28 ~~(4) Any person or entity authorized by Section 1808.22~~
29 ~~or 1808.23.~~

30 ~~(b) The release of any mailing address or part of a~~
31 ~~mailing address in any record of the department may be~~
32 ~~restricted to a release for purposes related to the reasons~~
33 ~~for which the information was collected, including, but~~
34 ~~not limited to, the assessment of driver risk, or ownership~~
35 ~~of vehicles or vessels. This restriction does not apply to a~~
36 ~~release to a court, a law enforcement agency, or other~~
37 ~~governmental agency, or a person who has been issued a~~
38 ~~requester code pursuant to Section 1810.2.~~

39 ~~(c) Any person providing the department with a~~
40 ~~mailing address shall declare, under penalty of perjury,~~



1 ~~that the mailing address is a valid, existing, and accurate~~
2 ~~mailing address and shall consent to receive service of~~
3 ~~process pursuant to subdivision (b) of Section 415.20 of,~~
4 ~~subdivision (a) of Section 415.30 of, and Section 416.90 of,~~
5 ~~the Code of Civil Procedure at the mailing address.~~

6 ~~(d) (1) Any registration or driver's license record of~~
7 ~~a person may be suppressed from any other person,~~
8 ~~except those persons specified in subdivision (a), if the~~
9 ~~person requesting the suppression submits verification~~
10 ~~acceptable to the department that he or she has~~
11 ~~reasonable cause to believe either of the following:~~

12 ~~(A) That he or she is the subject of stalking, as specified~~
13 ~~in Section 1708.7 of the Civil Code or Section 646.9 of the~~
14 ~~Penal Code.~~

15 ~~(B) That there exists a threat of death or great bodily~~
16 ~~injury to his or her person, as defined in subdivision (d)~~
17 ~~of Section 12022.7 of the Penal Code.~~

18 ~~(2) Upon suppression of a record, each request for~~
19 ~~information about that record shall be authorized by the~~
20 ~~subject of the record or verified as legitimate by other~~
21 ~~investigative means by the department before the~~
22 ~~information is released.~~

23 ~~(e) Suppression of a record pursuant to subdivision~~
24 ~~(d) shall occur for one year after approval by the~~
25 ~~department. Not less than 60 days prior to the date the~~
26 ~~suppression of the record would otherwise expire, the~~
27 ~~department shall notify the subject of the record of its~~
28 ~~impending expiration. The suppression may be~~
29 ~~continued for a period determined by the department if~~
30 ~~the person submits verification acceptable to the~~
31 ~~department that he or she continues to have reasonable~~
32 ~~cause to believe that he or she is the subject of stalking.~~
33 ~~The notification shall instruct the person of the method~~
34 ~~to reapply for record suppression.~~

35 ~~(f) For the purposes of subdivisions (d) and (e),~~
36 ~~"verification acceptable to the department" means~~
37 ~~recent police reports, court documentation, or other~~
38 ~~documentation from a law enforcement agency.~~

39 ~~SEC. 3.~~



1 SEC. 2. Section 1808.22 of the Vehicle Code is
2 amended to read:

3 1808.22. Section 1808.21 does not apply to any of the
4 following persons or entities:

5 (a) A financial institution licensed by the state or
6 federal government to do business in the State of
7 California that states, under penalty of perjury, that it has
8 obtained a written waiver of Section 1808.21 signed by the
9 individual whose address is requested, or to providing the
10 address of any person who has entered into an agreement
11 held by that institution prior to July 1, 1990, so long as that
12 agreement remains in effect.

13 (b) An insurance company licensed to do business in
14 California, if the company, under penalty of perjury,
15 requests the information for the purpose of obtaining the
16 address of another motorist or vehicle owner involved in
17 an accident with their insured, or requests the
18 information on an individual who has signed a written
19 waiver of Section 1808.21 or the individuals insured under
20 a policy if a named insured of that policy has signed a
21 written waiver.

22 (c) An independent institution of higher education
23 that operates pursuant to a memorandum of
24 understanding described in subdivision (b) of Section
25 830.7 of the Penal Code, *if the institution requests the*
26 *address for the purpose of enforcing parking restrictions.*

27 *For the purposes of this subdivision, the institution shall*
28 *enter into a contractual agreement with the department*
29 *that, at a minimum, requires the institution to do both of*
30 *the following:*

31 (1) *Establish and maintain procedures, to the*
32 *satisfaction of the department, for persons to contest*
33 *parking violation notices issued by the institution.*

34 (2) *Remit a fee, as determined by the department, to*
35 *cover the department's costs of providing each address to*
36 *the institution.*

37 (d) (1) An attorney, if the attorney states, under
38 penalty of perjury, that the motor vehicle or vessel
39 registered owner or driver residential address
40 information is necessary in order to represent his or her



1 client in a criminal or civil action that directly involves
2 the use of the motor vehicle or vessel that is pending, is
3 to be filed, or is being investigated. Information
4 requested pursuant to this subdivision is subject to all of
5 the following:

6 (A) The attorney shall state that the criminal or civil
7 action that is pending, is to be filed, or is being
8 investigated relates directly to the use of that motor
9 vehicle or vessel.

10 (B) The case number, if any, or the names of expected
11 parties to the extent they are known to the attorney
12 requesting the information, shall be listed on the request.

13 (C) A residence address obtained from the
14 department shall not be used for any purpose other than
15 in furtherance of the case cited or action to be filed or
16 which is being investigated.

17 (D) If no action is filed within a reasonable time, the
18 residence address information shall be destroyed.

19 (E) No attorney shall request residence address
20 information pursuant to this subdivision in order to sell
21 the information to any person.

22 (F) Within 10 days of receipt of a request, the
23 department shall notify every individual whose residence
24 address has been requested pursuant to this subdivision.

25 (2) A knowing violation of subparagraph (A), (B),
26 (C), (D), or (E) of paragraph (1) is a misdemeanor. A
27 knowing violation of subparagraph (A), (B), (C), (D), or
28 (E) of paragraph (1) in furtherance of another crime is
29 subject to the same penalties as that other crime.

