

REGULATION 1997-6
FEDERAL DRIVER'S PRIVACY ACT

1. (a) Ark. Code Ann § 27-14-412 (a)(1) currently provides that all records of the Office of Motor Vehicle (OMV) relating to vehicle titles, registration and license plates are open to public inspection unless otherwise deemed confidential. The Federal Driver's Privacy Act (18 U.S.C §2721) which becomes effective on September 13, 1997 generally prohibits the disclosure of personal information from such records in the absence of state procedures providing each vehicle registrant the opportunity to prohibit disclosure of his or her registration information. Because Arkansas law does not currently allow registrants such an opportunity, all personal information contained in the registration records as well as identification cards issued by the Office of Driver Services is prohibited from release except for permissible uses listed below.

(b) "Personal information" means information that identifies an individual, including the individual's photograph, social security number, name, address (excluding zip code), telephone number and medical or disability information.

(c) This regulation applies to any individual, organization or entity except for vehicles registered to the State of Arkansas and any state agencies.

2. PERMISSIBLE USES: Personal information from OMV records relating to vehicle titles, registration and license plates shall be disclosed in the following circumstances:

(a) For use in connection with matters of motor vehicle safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(b) For any use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety, including disposition of abandoned vehicles pursuant to Ark. Code Ann. §§ 27-50-1101, et seq. and 27-50-1201, et seq.

(c) For use by any government agency, including any court or law enforcement agency, in carrying out [sic] its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

(e) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles.

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

(i) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.)

(j) For use in connection with the operation of private toll transportation facilities.

(k) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

3. All requests for information from the records of OMV shall be in writing and shall include the name and address of the person requesting the information and the intended use of the information. Improper use of personal information constitutes a violation of the Federal Driver's Privacy Act and may subject the violator to civil damages or criminal penalties.

In witness whereof, we have hereunto set our hands this 9th day of September 1997.

Richard A. Weiss, Director
Department of Finance and
Administration

Tim Leathers, Commissioner of Revenue
Department of Finance and
Administration