

Date of Hearing: March 22, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 398 (Fong) – As Amended March 10, 2021

**SUBJECT:** Department of Motor Vehicles: records

**SUMMARY:** Limits Department of Motor Vehicle's (DMV) ability to recover costs for document requests to the actual cost of providing such documents.

**EXISTING LAW:**

- 1) Lists 23 classes of persons, primarily in law enforcement fields, plus the spouses and children of those persons, that may request that their home addresses be held confidential by DMV. The home addresses of these persons may only be disclosed to a court; a law enforcement agency; the State Board of Equalization (BOE); an attorney in a civil or criminal action who demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena; and any governmental agency legally required to be furnished the information.
- 2) Makes confidential the home addresses of all individuals contained within DMV records. These provisions similarly allow for disclosure to courts, law enforcement agencies, and other governmental agencies, but also allow for limited disclosure to financial institutions, insurance companies, attorneys, vehicle manufacturers, and persons doing statistical research.
- 3) Grants DMV the authority to suppress all records for at least one year for persons who are under threat of death or bodily injury. Under these circumstances, the entire record, including the address, is rendered inaccessible.

**FISCAL EFFECT:** Unknown.

**COMMENTS:** On November 25, 2019, Vice News ran a sensational story entitled “The California DMV is Making \$50 million a Year Selling Drivers’ Personal Information.” The article states that “In a public record acts request, Motherboard asked the California DMV for the total dollar amounts paid by commercial requesters of data for the past six years. The responsive document shows the total revenue in fiscal year 2013-14 as \$41.6 million before steadily climbing to \$52.1 million in fiscal year 2017-18.”

According to the author, “AB 398 stops the DMV from profiting off of the public’s personal information. When an individual requests basic information like driving or vehicle registration records, they deserve access to their data at a reasonable cost. State agencies should work for the public good by providing services to individuals without imposing inconsistent service taxes across the state to generate revenue. This bill is also an important step in removing prohibitive cost barriers for the public to obtain driver’s licenses, access their personal information, and submitting Public Records Act (PRA) requests.”

The Vice News article is accurate in terms of the amount of money received, but misleading. DMV does not sell personal information except for legitimate business purposes explicitly

authorized by the Legislature. The transactions the article talks about are fees DMV charges for legitimate business inquiries that the Legislature permits. Insurance companies are permitted to request data from DMV when collisions occur and they need to find out the address of the other driver, or to get driving records for the purposes of determining insurance rates. DMV charges them for accessing the records as a means of recovering their costs for retrieving the data. Prospective employers pay a fee to access accident records as required for certain transportation-related jobs. Vehicle manufacturers are allowed to request addresses for the purposes of sending out a safety recall. Otherwise, Vehicle Code 1808.21 prohibits DMV from sharing personal addresses.

As a result of the Vice News Story, DMV created a webpage detailing what limited circumstances DMV records can be requested. <https://www.dmv.ca.gov/portal/driver-education-and-safety/educational-materials/fast-facts/how-your-information-is-shared-ffdmv-17/>.

Until 1989, DMV records were considered public records unless state law specifically made them confidential, as was the case for the addresses of peace officers and certain other officials thought to be at risk. Because home addresses were not considered confidential, any person who gave a reason that DMV deemed legitimate and could present to DMV a person's driver's license number or license plate number could obtain address information on that individual.

In 1989, actress Rebecca Schaeffer was stalked and killed. The murderer obtained her address from a private investigation agency doing business in Arizona. The private investigation agency acquired her address through a subcontractor agent in California, who obtained it from DMV. In response, the Legislature enacted AB 1779 (Roos), Chapter 1213, Statutes of 1989, which made all home addresses in DMV records confidential, with limited exceptions. Congress passed and the President signed identical legislation in 1994, placing similar requirements on all DMVs across the country (also inspired by what happened to Rebecca Schaeffer).

The fee for requesting someone's driving record is \$2, or \$5 for a mail request.

*Committee Comments:* While this bill is in response to the Vice News story, it has no practical effect, as it continues to allow DMV to recover costs for legitimately providing driver's information in limited circumstances prescribed by law.

Allowing DMV to charge these fees is essential. The the Motor Vehicle Account (MVA) which is the primary funding source for DMV and California Highway Patrol (CHP) faces a structural budget shortfall and the Department of Finance estimates it will be insolvent in 2024-25. Any reduction in these fees would hasten insolvency of the MVA and potentially negatively impact the DMV and CHP.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

None on file

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