

IC 9-14-3.5

Chapter 3.5. Disclosure of Personal Information Contained in Motor Vehicle Records

IC 9-14-3.5-1

Purpose

Sec. 1. This chapter implements the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. 2721 et seq.) to protect the interest of individuals in personal privacy by prohibiting the disclosure and use of personal information contained in motor vehicle records, except as authorized by an affected individual or by law. The prohibitions of this chapter are in addition to any other prohibitions, including those found in IC 9-14-3-6.

As added by P.L.89-1996, SEC.2.

IC 9-14-3.5-2

"Disclose"

Sec. 2. As used in this chapter, "disclose" means to engage in a practice or conduct to make available and make known personal information contained in a motor vehicle record about a person to another person by any means of communication.

As added by P.L.89-1996, SEC.2.

IC 9-14-3.5-2.5

"Highly restricted personal information"

Sec. 2.5. As used in this chapter, "highly restricted personal information" means the following information that identifies an individual:

- (1) Digital photograph or image.
- (2) Social Security number.
- (3) Medical or disability information.

As added by P.L.125-2012, SEC.38.

IC 9-14-3.5-3

"Individual record"

Sec. 3. As used in this chapter, "individual record" refers to a motor vehicle record containing personal information about a person who is the subject of the record identified in a request.

As added by P.L.89-1996, SEC.2.

IC 9-14-3.5-4

"Motor vehicle record"

Sec. 4. As used in this chapter, "motor vehicle record" means a record that pertains to:

- (1) a driver's license;
- (2) a permit;
- (3) a vehicle or watercraft registration;
- (4) a vehicle or watercraft title; or
- (5) an identification document issued by the bureau.

As added by P.L.89-1996, SEC.2. Amended by P.L.39-2000, SEC.1;

P.L.125-2012, SEC.39.

IC 9-14-3.5-5

"Personal information"

Sec. 5. As used in this chapter, "personal information" means information that identifies a person, including an individual's:

- (1) digital photograph or image;
- (2) Social Security number;
- (3) driver's license or identification document number;
- (4) name;
- (5) address (but not the 5-digit zip code);
- (6) telephone number; or
- (7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and driver's license or registration status.

As added by P.L.89-1996, SEC.2. Amended by P.L.39-2000, SEC.2; P.L.184-2007, SEC.10; P.L.125-2012, SEC.40.

IC 9-14-3.5-6

"Record"

Sec. 6. As used in this chapter, "record" refers to books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials regardless of physical form or characteristics.

As added by P.L.89-1996, SEC.2.

IC 9-14-3.5-7

Disclosure of personal information or Social Security number prohibited

Sec. 7. (a) Except as provided in sections 8, 10, and 10.5 of this chapter:

- (1) an officer or employee of the bureau;
- (2) an officer or employee of the bureau of motor vehicles commission; or
- (3) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);

may not knowingly disclose or otherwise make available personal information, including highly restricted personal information obtained in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

As added by P.L.89-1996, SEC.2. Amended by P.L.39-2000, SEC.3; P.L.1-2006, SEC.158; P.L.125-2012, SEC.41.

IC 9-14-3.5-8

Disclosure required to comply with federal statutes

Sec. 8. Personal information related to:

- (1) motor vehicle or driver safety and theft;
- (2) motor vehicle emissions;

- (3) motor vehicle product alterations, recalls, or advisories;
- (4) performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and
- (5) the removal of nonowner records from the original owner records of motor vehicle manufacturers;

must be disclosed under this chapter to carry out the purposes of the federal Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Motor Vehicle Information and Cost Saving Act (15 U.S.C. 1901 et seq.), the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), the Anti-Car Theft Act of 1992 (15 U.S.C. 2021 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and all federal regulations enacted or adopted under these Acts.

As added by P.L.89-1996, SEC.2.

IC 9-14-3.5-9

Repealed

(Repealed by P.L.32-2000, SEC.27.)

IC 9-14-3.5-10

Disclosure for limited purposes

Sec. 10. The bureau may disclose certain personal information that is not highly restricted information if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

- (1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.
- (2) For use in connection with matters concerning:
 - (A) motor vehicle or driver safety and theft;
 - (B) motor vehicle emissions;
 - (C) motor vehicle product alterations, recalls, or advisories;
 - (D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;
 - (E) motor vehicle market research activities, including survey research;
 - (F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and
 - (G) motor fuel theft under IC 24-4.6-5.
- (3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:
 - (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
 - (B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

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

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) 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. 2710 et seq.).

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

(11) For any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom the personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom the personal information pertains.

(13) For use by any person, when the person demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

However, this section does not affect the use of anatomical gift information on a person's driver's license or identification document issued by the bureau, nor does this section affect the administration of anatomical gift initiatives in the state.

As added by P.L.89-1996, SEC.2. Amended by P.L.39-2000, SEC.4; P.L.261-2003, SEC.10; P.L.97-2011, SEC.1; P.L.125-2012, SEC.42.

IC 9-14-3.5-10.5

Highly restricted personal information; disclosure

Sec. 10.5. Highly restricted personal information may be disclosed only as follows:

- (1) With the express written consent of the person to whom the highly restricted personal information pertains.
- (2) In the absence of the express written consent of the person to whom the highly restricted personal information pertains, if the person requesting the information:
 - (A) provides proof of identity; and
 - (B) represents that the use of the highly restricted personal information will be strictly limited to at least one (1) of the uses set forth in section 10(1), 10(4), 10(6), and 10(9) of this chapter.

As added by P.L.261-2003, SEC.11. Amended by P.L.184-2007, SEC.11; P.L.125-2012, SEC.43.

IC 9-14-3.5-11

Repealed

(Repealed by P.L.261-2001, SEC.5.)

IC 9-14-3.5-12

Conditions precedent to disclosure

Sec. 12. The bureau may, before disclosing personal information, require the requesting person to satisfy certain conditions for the purpose of ascertaining:

- (1) the correct identity of the requesting person;
- (2) that the use of the disclosed information will be only as authorized; or
- (3) that the consent of the person who is the subject of the information has been obtained.

The conditions may include the making and filing of a written application on a form prescribed by the bureau and containing all information and certification requirements required by the bureau.

As added by P.L.89-1996, SEC.2.

IC 9-14-3.5-13

Resale or redisclosure of information

Sec. 13. (a) An authorized recipient of personal information, except a recipient under section 10(11) or 10(12) of this chapter, may resell or re-disclose the information for any use allowed under section 10 of this chapter, except for a use under section 10(11) or 10(12) of this chapter.

(b) An authorized recipient of a record under section 10(11) of this chapter may resell or re-disclose personal information for any purpose.

(c) An authorized recipient of personal information under IC 9-14-3-6 and section 10(12) of this chapter may resell or re-disclose the personal information for use only in accordance with section 10(12) of this chapter.

(d) Except for a recipient under section 10(11) of this chapter, a recipient who resells or re-discloses personal information is required to maintain and make available for inspection to the bureau, upon request, for at least five (5) years, records concerning:

(1) each person that receives the information; and
(2) the permitted use for which the information was obtained.
*As added by P.L.89-1996, SEC.2. Amended by P.L.39-2000, SEC.6;
P.L.1-2006, SEC.159.*

IC 9-14-3.5-14

Adoption of rules

Sec. 14. The bureau may adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.89-1996, SEC.2.

IC 9-14-3.5-15

Violations

Sec. 15. A person requesting the disclosure of personal information or highly restricted personal information from bureau records who knowingly or intentionally misrepresents the person's identity or makes a false statement to the bureau on an application required to be submitted under this chapter commits a Class C misdemeanor.

As added by P.L.89-1996, SEC.2. Amended by P.L.125-2012, SEC.44.