

Subsec. (e). Pub. L. 106-346, §101(a) [title III, §309(e)], added subsec. (e).

1999—Subsec. (b)(11). Pub. L. 106-69, §350(c), substituted “if the State has obtained the express consent of the person to whom such personal information pertains” for “if the motor vehicle department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator’s permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any business or person, and has provided in a clear and conspicuous manner on such forms an opportunity to prohibit such disclosures”.

Subsec. (b)(12). Pub. L. 106-69, §350(d), substituted “if the State has obtained the express consent of the person to whom such personal information pertains” for “if the motor vehicle department has implemented methods and procedures to ensure that—

“(A) individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

“(B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them”.

1996—Subsec. (b). Pub. L. 104-287, §1(1), in introductory provisions, substituted “titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321-331 of title 49” for “the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act”.

Subsec. (b)(9). Pub. L. 104-287, §1(2), substituted “chapter 313 of title 49” for “the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.)”.

Subsec. (c). Pub. L. 104-294 substituted “covered by this chapter” for “covered by this title”.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-69, title III, §350(g)(2), Oct. 9, 1999, 113 Stat. 1025, provided that: “Subsections (b), (c), and (d) [amending this section] shall be effective on June 1, 2000, excluding the States of Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas that shall be in compliance with subsections (b), (c), and (d) within 90 days of the next convening of the State legislature and excluding the States of Wisconsin, South Carolina, and Oklahoma that shall be in compliance within 90 days following the day of issuance of a final decision on *Reno vs. Condon* by the United States Supreme Court if the State legislature is in session, or within 90 days of the next convening of the State legislature following the issuance of such final decision if the State legislature is not in session.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

#### EFFECTIVE DATE

Pub. L. 103-322, title XXX, §300003, Sept. 13, 1994, 108 Stat. 2102, provided that: “The amendments made by section 300002 [enacting this chapter] shall become effective on the date that is 3 years after the date of enactment of this Act [Sept. 13, 1994]. After the effective date, if a State has implemented a procedure under section 2721(b)(11) and (12) of title 18, United States Code, as added by section 2902 [probably should be section “300002(a)”], for prohibiting disclosures or uses of personal information, and the procedure otherwise meets the requirements of subsection (b)(11) and (12), the State shall be in compliance with subsection (b)(11) and (12) even if the procedure is not available to individuals

until they renew their license, title, registration or identification card, so long as the State provides some other procedure for individuals to contact the State on their own initiative to prohibit such uses or disclosures. Prior to the effective date, personal information covered by the amendment made by section 300002 may be released consistent with State law or practice.”

#### SHORT TITLE

Pub. L. 103-322, title XXX, §300001, Sept. 13, 1994, 108 Stat. 2099, provided that: “This title [enacting this chapter] may be cited as the ‘Driver’s Privacy Protection Act of 1994.’”

#### RELATIONSHIP TO OTHER LAW

The Consumer Credit Reporting Reform Act of 1996 [see Short Title note set out under section 1601 of Title 15, Commerce and Trade] not to be considered to supersede or otherwise affect this section with respect to motor vehicle records for surveys, marketing, or solicitations, see section 2421 of Pub. L. 104-208, set out as a note under section 1681a of Title 15.

#### § 2722. Additional unlawful acts

(a) **PROCUREMENT FOR UNLAWFUL PURPOSE.**—It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title.

(b) **FALSE REPRESENTATION.**—It shall be unlawful for any person to make false representation to obtain any personal information from an individual’s motor vehicle record.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

#### § 2723. Penalties

(a) **CRIMINAL FINE.**—A person who knowingly violates this chapter shall be fined under this title.

(b) **VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES.**—Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5,000 a day for each day of substantial noncompliance.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

#### § 2724. Civil action

(a) **CAUSE OF ACTION.**—A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

(b) **REMEDIES.**—The court may award—

(1) actual damages, but not less than liquidated damages in the amount of \$2,500;

(2) punitive damages upon proof of willful or reckless disregard of the law;

(3) reasonable attorneys’ fees and other litigation costs reasonably incurred; and

(4) such other preliminary and equitable relief as the court determines to be appropriate.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

#### § 2725. Definitions

In this chapter—