

House Bill 2327

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Criminal Defense Lawyers' Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Department of Transportation to provide photograph on driver license, driver permit or identification card to licensed private investigator.

A BILL FOR AN ACT

1
2 Relating to private investigators; amending ORS 802.179.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 802.179 is amended to read:

5 802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose
6 personal information from a motor vehicle record to a government agency for use in carrying out
7 its governmental functions.

8 (2) The department shall disclose personal information from a motor vehicle record for use in
9 connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor
10 vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and
11 dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner
12 records of motor vehicle manufacturers to carry out the purposes of any of the following federal
13 Acts:

- 14 (a) The Automobile Information Disclosure Act.
15 (b) The Motor Vehicle Information and Cost Saving Act.
16 (c) The National Traffic and Motor Vehicle Safety Act of 1966.
17 (d) The Anti-Car Theft Act of 1992.
18 (e) The Clean Air Act.

19 (3)(a) If the department determines that a business is a legitimate business, the department shall
20 disclose personal information to the business for use in the normal course of business in:

- 21 (A) Verifying the accuracy of personal information submitted to the business; or
22 (B) Correcting personal information submitted to the business, but only in order to:
23 (i) Prevent fraud;
24 (ii) Pursue legal remedies against the individual who submitted the personal information; or
25 (iii) Recover a debt from, or satisfy a security interest against, the individual.

26 (b) The department shall adopt rules specifying the kind of information that the department will
27 accept as evidence that a business is a legitimate business.

28 (4) The department shall disclose personal information to:

29 (a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency
30 registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbi-
31 tration proceeding in any court, government agency or self-regulatory body. Permissible uses of

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 personal information under this paragraph include, but are not limited to, service of process, inves-
2 tigation in anticipation of litigation and the execution and enforcement of judgments and orders.

3 (b) A process server acting as an agent for an individual for use in serving documents in con-
4 nection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in
5 any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities
6 of a process server when acting as an agent for an attorney, collection agency or like person or for
7 a government agency.

8 (5) The department shall disclose personal information other than names to a researcher for use
9 in researching health and educational questions and providing statistical reports, as long as the
10 personal information is not published, redisclosed or used to contact individuals. The department
11 may disclose information under this subsection only for research sponsored by an educational insti-
12 tution or a health research institution.

13 (6) The department shall disclose personal information to an insurer, an insurance support or-
14 ganization or a self-insured entity in connection with claims investigation activities, antifraud ac-
15 tivities, underwriting or rating.

16 (7) The department shall disclose personal information regarding ownership or other financial
17 interests in a vehicle to a person who is required by the state or federal Constitution, a statute or
18 an ordinance to give notice to another person concerning the vehicle. Personal information disclosed
19 under this subsection may be used only for giving the required notice. Persons authorized to receive
20 personal information under this subsection include, but are not limited to:

21 (a) Tow companies;

22 (b) Persons who have or are entitled to have liens on the vehicle; and

23 (c) Persons taking an action that could affect ownership rights to the vehicle.

24 (8) The department shall disclose personal information to any private security professional cer-
25 tified under ORS 181.878, to be used for the purpose of determining ownership of vehicles parked in
26 a place over which the private security professional, acting within the scope of the professional's
27 employment, exercises control.

28 (9) The department shall disclose personal information to the employer of an individual who
29 holds a commercial driver license, or the insurer of the employer, to obtain or verify information
30 about the holder of the commercial driver license.

31 (10) The department shall disclose personal information to the operator of a private toll facility
32 for use in collecting tolls.

33 (11) The department may not disclose personal information for bulk distributors of surveys,
34 marketing materials or solicitations except as provided in this subsection. The department shall
35 implement methods and procedures to ensure:

36 (a) That individuals are offered an opportunity to request that personal information about
37 themselves be disclosed to bulk distributors; and

38 (b) That the personal information provided by the department will be used, rented or sold solely
39 for bulk distribution of surveys, marketing materials and solicitations.

40 (12) The department shall disclose personal information to a person who requests the informa-
41 tion if the requester provides the department with written permission from the individual whose
42 personal information is requested. The written permission from the individual must be notarized.

43 (13) The department shall disclose personal information to a person who is in the business of
44 disseminating such information under the following conditions:

45 (a) In addition to any other requirements under the contract executed pursuant to paragraph (b)

1 of this subsection, the person requesting the information must file a performance bond with the de-
 2 partment in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and
 3 its form is subject to approval by the Attorney General.

4 (b) The disseminator shall enter into a contract with the department. A contract under this
 5 paragraph shall contain at least the following provisions:

6 (A) That the disseminator will not reproduce or distribute the personal information in bulk but
 7 only in response to an individual record inquiry.

8 (B) That the disseminator will provide the personal information only to a person or government
 9 agency authorized to receive the information under this section and only if the person or govern-
 10 ment agency has been authorized by the department to receive the information.

11 (C) That the disseminator will have a method of ensuring that the disseminator can delay for a
 12 period of up to two days the giving of personal information to a requester who is not a subscriber.

13 (14) The department shall disclose personal information to representatives of the news media for
 14 the gathering or dissemination of information related to the operation of a motor vehicle or to public
 15 safety.

16 (15) The department shall disclose personal information as provided in ORS 802.220 (5).

17 (16) The department shall adopt rules providing for the release of personal information from
 18 motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under
 19 this subsection may include, but need not be limited to, rules establishing procedures for the de-
 20 partment to verify the financial interest of the person making the request for personal information.

21 (17) The department shall adopt rules providing for the release of personal information from
 22 motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns
 23 property that is damaged because of the unsafe operation of a vehicle.

24 (18) The department shall disclose personal information **and the photograph on a driver li-**
 25 **cence, driver permit or identification card** to a private investigator licensed by any licensing
 26 authority within the State of Oregon, to be used for any purpose permitted [*any person*] under this
 27 section. A licensed private investigator requesting information must prove to the department that
 28 the person has a corporate surety bond, an irrevocable letter of credit issued by an insured insti-
 29 tution as defined in ORS 706.008 or such other security as the Department of Public Safety Stan-
 30 dards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and omissions
 31 insurance in the minimum amount of \$5,000.

32 (19) The department shall disclose personal information to a procurement organization as de-
 33 fined in ORS 97.953 for the purpose of facilitating the making of anatomical gifts under the pro-
 34 visions of ORS 97.955.