

**A-Engrossed**  
**House Bill 3259**

Ordered by the House May 2  
Including House Amendments dated May 2

Sponsored by Representative BARKER

**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.

Directs Department of Transportation to provide photograph on driver license, driver permit or identification card to licensed private investigator **for specified purposes**.

**A BILL FOR AN ACT**

1  
2 Relating to private investigators; amending ORS 802.179, 802.181, 802.187, 802.189, 802.191 and  
3 807.115.

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

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

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

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

15 (a) The Automobile Information Disclosure Act.

16 (b) The Motor Vehicle Information and Cost Saving Act.

17 (c) The National Traffic and Motor Vehicle Safety Act of 1966.

18 (d) The Anti-Car Theft Act of 1992.

19 (e) The Clean Air Act.

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

22 (A) Verifying the accuracy of personal information submitted to the business; or

23 (B) Correcting personal information submitted to the business, but only in order to:

24 (i) Prevent fraud;

25 (ii) Pursue legal remedies against the individual who submitted the personal information; or

26 (iii) Recover a debt from, or satisfy a security interest against, the individual.

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

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

2 (a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency  
3 registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbi-  
4 tration proceeding in any court, government agency or self-regulatory body. Permissible uses of  
5 personal information under this paragraph include, but are not limited to, service of process, inves-  
6 tigation in anticipation of litigation and the execution and enforcement of judgments and orders.

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

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

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

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

25 (a) Tow companies;

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

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

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

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

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

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

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

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

44 (12) The department shall disclose personal information to a person who requests the informa-  
45 tion if the requester provides the department with written permission from the individual whose

1 personal information is requested. The written permission from the individual must be notarized.

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

4 (a) In addition to any other requirements under the contract executed pursuant to paragraph (b)  
5 of this subsection, the person requesting the information must file a performance bond with the de-  
6 partment in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and  
7 its form is subject to approval by the Attorney General.

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

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

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

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

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

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

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

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

28 (18)(a) The department shall disclose personal information to a private investigator licensed by  
29 any licensing authority within the State of Oregon, to be used for any purpose permitted any person  
30 under this section.

31 **(b) The department shall disclose a photograph to a private investigator licensed by any**  
32 **licensing authority within the State of Oregon, to be used in connection with any civil,**  
33 **criminal or administrative proceeding, arbitration in any federal, state or local court or**  
34 **agency or arbitration before any self-regulatory body, including the service of process, in-**  
35 **vestigation in anticipation of litigation and the execution or enforcement of judgments and**  
36 **orders, or pursuant to an order of a federal, state or local court.**

37 (c) A licensed private investigator requesting information **or a photograph under this sub-**  
38 **section** must prove to the department that the person has a corporate surety bond, an irrevocable  
39 letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as  
40 the Department of Public Safety Standards and Training may prescribe by rule in the minimum  
41 amount of \$5,000 or errors and omissions insurance in the minimum amount of \$5,000.

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

45 **SECTION 2.** ORS 802.181 is amended to read:

1 802.181. (1) Except as otherwise provided in subsections (2) to (5) of this section, a person or  
2 government agency that is authorized under ORS 802.179 to receive personal information from motor  
3 vehicle records may resell or redisclose the information only:

4 (a) To a person or government agency authorized to receive the information under ORS 802.179  
5 and only if the person or government agency is authorized by the Department of Transportation to  
6 receive the resold or redisclosed information; and

7 (b) For purposes authorized under ORS 802.179.

8 (2) A researcher who receives personal information under ORS 802.179 (5) may not resell or  
9 redisclose the information except as provided in ORS 802.179 (5).

10 (3) A person who receives personal information under ORS 802.179 (11) may not resell or redis-  
11 close the information except as provided in ORS 802.179 (11).

12 (4) A representative of the news media who receives personal information under ORS 802.179  
13 (14) may not resell or redisclose the information except as provided in ORS 802.179 (14).

14 (5) No one who receives personal information from the department under ORS 802.179 may sell  
15 or redisclose the information to a person who is in the business of disseminating the information.

16 (6) A person who resells or rediscloses personal information as authorized by this section, other  
17 than a representative of the news media, must keep records for a period of five years that identify  
18 each person who receives the information and the permitted purpose for which the person received  
19 the information. Records kept in accordance with this subsection must be made available to the  
20 department on request.

21 **(7) A private investigator who receives a photograph under ORS 802.179 (18) may use the**  
22 **photograph only for the purposes described in ORS 802.179 (18)(b) and may not resell or re-**  
23 **disclose the photograph.**

24 [(7)] (8) A procurement organization that receives personal information as authorized by ORS  
25 802.179 (19) may not resell or redisclose the information.

26 [(8)] (9) The State of Oregon is immune from liability for any claim resulting from the resale or  
27 redisclosure of personal information **or photographs** under this section.

28 **SECTION 3.** ORS 802.187 is amended to read:

29 802.187. (1) Nothing in ORS 802.175 to 802.187 authorizes disclosure by the Department of  
30 Transportation of personal information **or of a photograph** that is barred from disclosure by the  
31 provisions of ORS 192.445 or 192.502 (2).

32 (2) Nothing in ORS 802.175 to 802.187 prohibits an individual from having access to personal  
33 information about the individual that is contained in motor vehicle records.

34 **SECTION 4.** ORS 802.189 is amended to read:

35 802.189. Knowingly obtaining or using personal information **or a photograph** from a motor ve-  
36 hicle record in violation of ORS 802.175 to 802.187 is a Class A misdemeanor.

37 **SECTION 5.** ORS 802.191 is amended to read:

38 802.191. (1) A person aggrieved by an intentional violation of ORS 802.175 to 802.187 may bring  
39 an action at law against a person who has knowingly obtained or used personal information about  
40 **or a photograph of** the aggrieved person in violation of ORS 802.175 to 802.187. The action shall  
41 be for actual damages or \$2,500, whichever is greater, plus attorney fees and court costs reasonably  
42 incurred in the action.

43 (2) A person aggrieved by a violation of ORS 802.175 to 802.187, a district attorney or the At-  
44 torney General may obtain appropriate relief to enforce ORS 802.175 to 802.187, together with at-  
45 torney fees and costs reasonably incurred in an action for relief.

1 (3) Any person whose use or obtaining of personal information **or a photograph** in violation of  
2 ORS 802.175 to 802.187 subjects the State of Oregon to any liability or claim shall indemnify and  
3 hold harmless this state from all such liability and any claims, including attorney fees and court  
4 costs, incurred in any proceeding arising under ORS 802.175 to 802.187.

5 **SECTION 6.** ORS 807.115 is amended to read:

6 807.115. The Department of Transportation shall retain a duplicate image of each photograph  
7 used on a driver license under the provisions of ORS 807.110 or an identification card under ORS  
8 807.400. The duplicates may not be made available to anyone other than law enforcement officials  
9 and employees of the department acting in an official capacity **and private investigators as pro-**  
10 **vided under ORS 802.179.**

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