

HOUSE AMENDMENTS TO HOUSE BILL 3259

By COMMITTEE ON JUDICIARY

May 2

1 On page 1 of the printed bill, line 2, after “802.179” insert “, 802.181, 802.187, 802.189, 802.191
2 and 807.115”.

3 Delete lines 4 through 31 and delete pages 2 and 3 and insert:

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 dis-
6 close personal information from a motor vehicle record to a government agency for use in carrying
7 out 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
20 shall 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
27 will 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
32 personal information under this paragraph include, but are not limited to, service of process, inves-
33 tigation in anticipation of litigation and the execution and enforcement of judgments and orders.

34 “(b) A process server acting as an agent for an individual for use in serving documents in con-
35 nection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in

1 any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities
2 of a process server when acting as an agent for an attorney, collection agency or like person or for
3 a government agency.

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

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

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

17 “(a) Tow companies;

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

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

20 “(8) The department shall disclose personal information to any private security professional
21 certified under ORS 181.878, to be used for the purpose of determining ownership of vehicles parked
22 in a place over which the private security professional, acting within the scope of the professional’s
23 employment, exercises control.

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

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

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

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

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

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

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

41 “(a) In addition to any other requirements under the contract executed pursuant to paragraph
42 (b) of this subsection, the person requesting the information must file a performance bond with the
43 department in the amount of \$25,000. The bond must be executed in favor of the State of Oregon
44 and its form is subject to approval by the Attorney General.

45 “(b) The disseminator shall enter into a contract with the department. A contract under this

1 paragraph shall contain at least the following provisions:

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

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

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

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

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

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

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

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

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

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

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

37 “**SECTION 2.** ORS 802.181 is amended to read:

38 “802.181. (1) Except as otherwise provided in subsections (2) to (5) of this section, a person or
39 government agency that is authorized under ORS 802.179 to receive personal information from motor
40 vehicle records may resell or redisclose the information only:

41 “(a) To a person or government agency authorized to receive the information under ORS 802.179
42 and only if the person or government agency is authorized by the Department of Transportation to
43 receive the resold or redisclosed information; and

44 “(b) For purposes authorized under ORS 802.179.

45 “(2) A researcher who receives personal information under ORS 802.179 (5) may not resell or

1 redisclose the information except as provided in ORS 802.179 (5).

2 “(3) A person who receives personal information under ORS 802.179 (11) may not resell or re-
3 disclose the information except as provided in ORS 802.179 (11).

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

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

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

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

16 “[7] (8) A procurement organization that receives personal information as authorized by ORS
17 802.179 (19) may not resell or redisclose the information.

18 “[8] (9) The State of Oregon is immune from liability for any claim resulting from the resale
19 or redisclosure of personal information **or photographs** under this section.

20 “**SECTION 3.** ORS 802.187 is amended to read:

21 “802.187. (1) Nothing in ORS 802.175 to 802.187 authorizes disclosure by the Department of
22 Transportation of personal information **or of a photograph** that is barred from disclosure by the
23 provisions of ORS 192.445 or 192.502 (2).

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

26 “**SECTION 4.** ORS 802.189 is amended to read:

27 “802.189. Knowingly obtaining or using personal information **or a photograph** from a motor
28 vehicle record in violation of ORS 802.175 to 802.187 is a Class A misdemeanor.

29 “**SECTION 5.** ORS 802.191 is amended to read:

30 “802.191. (1) A person aggrieved by an intentional violation of ORS 802.175 to 802.187 may bring
31 an action at law against a person who has knowingly obtained or used personal information about
32 **or a photograph of** the aggrieved person in violation of ORS 802.175 to 802.187. The action shall
33 be for actual damages or \$2,500, whichever is greater, plus attorney fees and court costs reasonably
34 incurred in the action.

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

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

42 “**SECTION 6.** ORS 807.115 is amended to read:

43 “807.115. The Department of Transportation shall retain a duplicate image of each photograph
44 used on a driver license under the provisions of ORS 807.110 or an identification card under ORS
45 807.400. The duplicates may not be made available to anyone other than law enforcement officials

1 and employees of the department acting in an official capacity **and private investigators as pro-**
2 **vided under ORS 802.179.”**
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