

**DRIVER LICENSE RECORD AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill prohibits the Driver License Division from disclosing personal identifying information of a licensee to the University of Utah for data collection in relation to genetic and epidemiologic research unless the licensee affirmatively consents to the disclosure.

**Highlighted Provisions:**

This bill:

- ▶ prohibits the Driver License Division from disclosing personal identifying information of a licensee to the University of Utah for data collection in relation to genetic and epidemiologic research unless the licensee affirmatively consents to the disclosure; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-3-109**, as last amended by Laws of Utah 2019, Chapter 380

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53-3-109** is amended to read:

30 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

31 (1) (a) Except as provided in this section, all records of the division shall be classified  
32 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and  
33 Management Act.

34 (b) The division may disclose personal identifying information in accordance with 18  
35 U.S.C. Chapter 123:

36 (i) to a licensed private investigator holding a valid agency license, with a legitimate  
37 business need;

38 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,  
39 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,  
40 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,  
41 antifraud activities, rating, or underwriting for any person issued a license certificate under this  
42 chapter;

43 (iii) to a depository institution as that term is defined in Section [7-1-103](#);

44 (iv) to the State Tax Commission for the purposes of tax fraud detection and  
45 prevention and any other use required by law;

46 (v) if the licensee affirmatively consents, to the University of Utah for data collection  
47 in relation to genetic and epidemiologic research; or

48 [~~(vi)~~] (vi) (A) to a government entity, including any court or law enforcement agency,  
49 to fulfill the government entity's functions~~];~~ or

50 (B) to a private person acting on behalf of a government entity to fulfill the government  
51 entity's functions, if the division determines disclosure of the information is in the interest of  
52 public safety.

53 (2) (a) A person who receives personal identifying information shall be advised by the  
54 division that the person may not:

55 (i) disclose the personal identifying information from that record to any other person;

56 or

57 (ii) use the personal identifying information from that record for advertising or  
58 solicitation purposes.

59 (b) Any use of personal identifying information by an insurer or insurance support  
60 organization, or by a self-insured entity or its agents, employees, or contractors not authorized  
61 by Subsection (1)(b)(ii) is:

62 (i) an unfair marketing practice under Section 31A-23a-402; or

63 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

64 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee  
65 may disclose portions of a driving record, in accordance with this Subsection (3), to:

66 (i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for  
67 purposes of assessing driving risk on the insurer's current motor vehicle insurance  
68 policyholders;

69 (ii) an employer or a designee of an employer, for purposes of monitoring the driving  
70 record and status of current employees who drive as a responsibility of the employee's  
71 employment if the requester demonstrates that the requester has obtained the written consent of  
72 the individual to whom the information pertains; and

73 (iii) an employer or the employer's agents to obtain or verify information relating to a  
74 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

75 (b) A disclosure under Subsection (3)(a)(i) shall:

76 (i) include the licensed driver's name, driver license number, date of birth, and an  
77 indication of whether the driver has had a moving traffic violation that is a reportable violation,  
78 as defined under Section 53-3-102 during the previous month;

79 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered  
80 under a motor vehicle insurance policy of the insurer; and

81 (iii) be made under a contract with the insurer or a designee of an insurer.

82 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:

83 (i) include the licensed driver's name, driver license number, date of birth, and an  
84 indication of whether the driver has had a moving traffic violation that is a reportable violation,  
85 as defined under Section 53-3-102, during the previous month;

86 (ii) be limited to the records of a current employee of an employer;

87 (iii) be made under a contract with the employer or a designee of an employer; and

88 (iv) include an indication of whether the driver has had a change reflected in the  
89 driver's:

- 90 (A) driving status;
- 91 (B) license class;
- 92 (C) medical self-certification status; or
- 93 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.
- 94 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:
  - 95 (i) the criteria for searching and compiling the driving records being requested;
  - 96 (ii) the frequency of the disclosures;
  - 97 (iii) the format of the disclosures, which may be in bulk electronic form; and
  - 98 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).
- 99 (4) The division may charge fees:
  - 100 (a) in accordance with Section 53-3-105 for searching and compiling its files or
  - 101 furnishing a report on the driving record of a person;
  - 102 (b) for each document prepared under the seal of the division and deliver upon request,
  - 103 a certified copy of any record of the division, and charge a fee set in accordance with Section
  - 104 63J-1-504 for each document authenticated; and
  - 105 (c) established in accordance with the procedures and requirements of Section
  - 106 63J-1-504 for disclosing personal identifying information under Subsection (1)(b).
- 107 (5) Each certified copy of a driving record furnished in accordance with this section is
- 108 admissible in any court proceeding in the same manner as the original.
- 109 (6) (a) A driving record furnished under this section may only report on the driving
- 110 record of a person for a period of 10 years.
  - 111 (b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of
  - 112 commercial driver license violations, or reports for commercial driver license holders.
- 113 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 114 division may make rules to designate:
  - 115 (a) what information shall be included in a report on the driving record of a person;
  - 116 (b) the form of a report or copy of the report which may include electronic format;
  - 117 (c) the form of a certified copy, as required under Section 53-3-216, which may include
  - 118 electronic format;
  - 119 (d) the form of a signature required under this chapter which may include electronic
  - 120 format;

121 (e) the form of written request to the division required under this chapter which may  
122 include electronic format;

123 (f) the procedures, requirements, and formats for disclosing personal identifying  
124 information under Subsection (1)(b); and

125 (g) the procedures, requirements, and formats necessary for the implementation of  
126 Subsection (3).

127 (8) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
128 use, disclose, or disseminate a record created or maintained by the division or any information  
129 contained in a record created or maintained by the division for a purpose prohibited or not  
130 permitted by statute, rule, regulation, or policy of a governmental entity.

131 (b) A person who discovers or becomes aware of any unauthorized use of records  
132 created or maintained by the division shall inform the commissioner and the division director  
133 of the unauthorized use.