



# Texas Department of Transportation

VEHICLE TITLES AND REGISTRATION DIVISION • AUSTIN, TEXAS 78779-0001 • (512) 465-7611

August 31, 2001

## Registration and Title Bulletin # 121-01

**TO:** All County Tax Assessor-Collectors

**SUBJECT:** HB 1544 & HB 1365 Relating to the Release of Personal Information from Motor Vehicle Records

### PURPOSE

To advise you of the provisions of legislation enacted by the 77<sup>th</sup> Texas Legislature, 2001 that relates to the release of personal information from motor vehicle records. The legislation includes House Bill 1544 (copy attached), and a portion of House Bill 1365 (excerpt attached). These laws become effective September 1, 2001.

### DETAILS

#### House Bill 1544:

- Amended Texas Transportation Code, Chapter 730 (Texas Motor Vehicle Records Disclosure Act or MVRDA) to conform to the amendments to the federal Driver's Privacy Protection Act (DPPA) that were implemented in December 2000 (refer to RTB 102-00). These amendments include elimination of the "opt-out" provisions of the DPPA and prohibit the release of personal information "for bulk distribution of surveys, marketing, or solicitations."
- Amended §730.007, Permitted Disclosures, by adding the following two permitted uses.
  - 1) §730.007(a)(2)(K), for "use by a consumer reporting agency, as defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), for a purpose permitted under that Act"; and
  - 2) §730.007(d) for use in "preventing, detecting, or protecting against personal identity theft or other acts of fraud."

**NOTE:** Although the release of personal information is permitted for these uses under the amended state law, release is NOT permitted under the federal DPPA. As the federal law takes priority, these new uses will not be considered an independent reason for release of personal information and will not be added to the listing of "Permitted Uses" on the reverse side of the Form VTR-275, Request for Texas Motor Vehicle Information. The department will continue to release personal information if the intended use, as certified by the requester, is one of the permitted uses listed in federal law.

- Amended §730.013, Resale and Redisclosure, to prohibit an authorized recipient of personal information from reselling or redisclosing that information in "the identical or substantially identical format" as it was obtained from an agency.
- Added new §730.016, which makes a person ineligible to receive personal information under a permitted use, if they have been convicted of a violation of Chapter 730 or have violated a department rule relating to the terms or conditions for release of personal information. Since VTR has no means to verify or make a determination in these cases upon presentation of a request for information, a "self-certification" statement will be added to the Form VTR-275, Request for Texas Motor Vehicle Information.

- Eliminated Texas Transportation Code, Chapter 731, which prohibited posting of personal information from motor vehicle records on the Internet. This was the result of a court ruling issued in March 2000 that deemed Chapter 731, as well as Transportation Code, §550.065, relating to the release of personal information from accident reports, to be unconstitutional.

HB 1365 amended Transportation Code, §730.005, Required Disclosures, to add that personal information must be released for the purpose of "child support enforcement, under Chapter 231, Family Code." Since a child support order must be issued prior to "enforcement" of an order, this use would fall under the federally permitted use that states "for use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgements and orders, or pursuant to an order of a Federal, State, or local court."

### COUNTY ACTIONS

County offices will need to modify the Request for Information forms that they have developed for use by their respective offices to include the self-certification statement and the permitted use for child support enforcement.

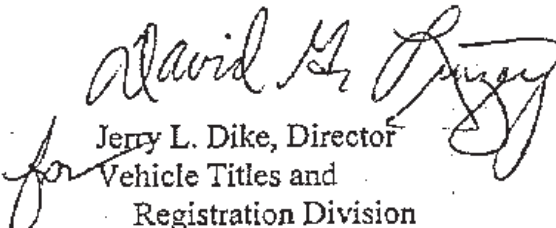
### VTR ACTIONS

The Vehicle Registration and Title Manuals will be revised accordingly and the revised manual pages will be distributed at a later date. The Form VTR-275, Request for Texas Motor Vehicle Information is under revision. Within the next few days, a copy of the revised form will be distributed to your offices for reference purposes.

### VTR CONTACTS

If you have any questions concerning this bulletin, please contact your local Vehicle Titles and Registration Division Regional Office or the Customer Help Desk at (512) 465-7611. Thank you.

Sincerely,

  
Jerry L. Dike, Director  
Vehicle Titles and  
Registration Division

JLD:jsk

Attachments

cc: Dealer Associations  
Financial Industry Partners  
Insurance Partners  
TxDOT, Office of General Counsel  
VTR Administration