

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HOUSE BILL 2614

## AN ACT

AMENDING SECTIONS 28-440, 28-447, 28-454, 28-3158 AND 28-5101, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-450 AND 28-452, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-455, 28-456 AND 28-457; RELATING TO DEPARTMENT OF TRANSPORTATION RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-440, Arizona Revised Statutes, is amended to  
3 read:

4 ~~28-440.~~ Definitions

5 In this article, unless the context otherwise requires:

6 1. "BULK RECORDS" MEANS MULTIPLE RECORDS THAT ARE RETRIEVED  
7 COLLECTIVELY FROM THE DEPARTMENT'S DATABASE AS A RESULT OF A SINGLE REQUEST  
8 AND DOES NOT INCLUDE RETRIEVING ONE RECORD AT A TIME FROM A SINGLE REQUEST.

9 ~~1.~~ 2. "Duplicate" means a counterpart produced by any of the  
10 following:

11 (a) The same impression or from the same matrix as the original.

12 (b) Means of photography, including enlargements and miniatures.

13 (c) Mechanical or electronic rerecording.

14 (d) Chemical reproduction.

15 (e) Any other equivalent technique that accurately reproduces the  
16 original.

17 3. "EXPRESS CONSENT" MEANS CONSENT IN WRITING, INCLUDING CONSENT THAT  
18 IS CONVEYED ELECTRONICALLY AND THAT BEARS AN ELECTRONIC SIGNATURE.

19 4. "HIGHLY RESTRICTED PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S  
20 PHOTOGRAPH OR IMAGE, SOCIAL SECURITY NUMBER AND MEDICAL OR DISABILITY  
21 INFORMATION.

22 5. "MOTOR VEHICLE RECORD" MEANS ANY RECORD THAT PERTAINS TO A DRIVER  
23 LICENSE OR PERMIT, VEHICLE REGISTRATION, VEHICLE TITLE OR IDENTIFICATION  
24 DOCUMENT ISSUED BY THE DEPARTMENT OR ITS DULY AUTHORIZED THIRD PARTIES,  
25 AGENTS OR CONTRACTORS THAT ARE AUTHORIZED TO ISSUE ANY OF THOSE DOCUMENTS.

26 6. "OPT IN" MEANS A CUSTOMER OF THE DEPARTMENT HAS PROVIDED EXPRESS  
27 CONSENT TO THE DEPARTMENT TO ALLOW THE RELEASE OF THE CUSTOMER'S PERSONAL  
28 INFORMATION, INCLUDING HIGHLY RESTRICTED PERSONAL INFORMATION, IN A FORM  
29 PRESCRIBED BY THE DIRECTOR.

30 ~~2.~~ 7. "Original":

31 (a) Of a record means the record itself or any counterpart intended to  
32 have the same effect by the person executing or issuing it.

33 (b) Of a photograph means the negative or a print from the negative.

34 (c) Of data stored in a computer or similar device means a printout or  
35 other output that is readable by sight and that is shown to reflect the data  
36 accurately.

37 8. "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES AN  
38 INDIVIDUAL, THAT INCLUDES AN INDIVIDUAL'S PHOTOGRAPH, SOCIAL SECURITY NUMBER,  
39 DRIVER IDENTIFICATION NUMBER, NAME, ADDRESS, TELEPHONE NUMBER AND MEDICAL OR  
40 DISABILITY INFORMATION AND THAT EXCLUDES AN INDIVIDUAL'S FIVE DIGIT ZIP CODE  
41 AND INFORMATION ABOUT VEHICULAR ACCIDENTS, DRIVING VIOLATIONS AND DRIVER  
42 STATUS.

43 ~~3.~~ 9. "Photographs" includes still photographs, x-ray films,  
44 videotapes, motion pictures and digitized electronic images.

45 ~~4.~~ 10. "Records" has the same meaning prescribed in section 41-1350.

1           11. "VEHICLE HISTORY REPORT" MEANS A REPORT THAT IS DEVELOPED TO TRACK  
2 THE REGISTRATION AND TOTAL LOSS HISTORY OF A PARTICULAR VEHICLE AND INCLUDES  
3 ODOMETER READINGS AND BRAND CODES, TITLE BRAND CODES AND ANY RELATED VEHICLE  
4 DATA BUT EXCLUDES NAMES AND ADDRESSES.

5           Sec. 2. Section 28-447, Arizona Revised Statutes, is amended to read:  
6           28-447. Public records

7           A. An application for a license, permit, title or registration made to  
8 the department and a document required by law or by the department to  
9 accompany the application is a public record, except a medical report and a  
10 report voluntarily submitted by a physician as defined in section 28-3005,  
11 except as provided by section ~~28-452~~ 28-455 and except as otherwise provided  
12 by law.

13           B. If the department is required or authorized to revoke, suspend or  
14 cancel a driver license or to suspend vehicle registrations pursuant to  
15 chapter 9 of this title, it shall notify the holder by a written notice that  
16 includes a citation to the statute or rule under which the action is  
17 authorized or required. The department shall retain a copy of the notice.  
18 The copy of the notice shall contain a certification that the original notice  
19 was mailed and the date the notice was mailed. The copy of the notice is a  
20 public record. If the copy is addressed to a licensee at the address last  
21 shown on the department's records, as evidenced by the person's driver  
22 license application or subsequent notification pursuant to section 28-448 by  
23 the person of a different address, it is presumed, unless otherwise shown by  
24 clear and convincing evidence, that the person to whom the notice was  
25 addressed received the original notice.

26           C. The department may place notes, date stamps, identifying numbers or  
27 other information on an application, a record of conviction or any other  
28 record as is necessary to ensure the accuracy of the record and to expedite  
29 its handling. The information does not affect the validity of a record,  
30 except that the markings are not considered a part of the record for  
31 evidentiary purposes unless proven accurate by other records of the  
32 department or other competent evidence.

33           Sec. 3. Repeal

34           Sections ~~28-450~~ and ~~28-452~~, Arizona Revised Statutes, are repealed.

35           Sec. 4. Section 28-454, Arizona Revised Statutes, is amended to read:

36           28-454. Public records; peace officers; prosecutors; redaction;  
37           definition

38           A. Notwithstanding sections 28-447 and ~~28-452~~ 28-455, a peace officer  
39 or prosecutor may request that persons be prohibited from accessing the peace  
40 officer's or prosecutor's residential address and telephone number contained  
41 in any record maintained by the department.

42           B. A peace officer or prosecutor may request this action by filing an  
43 affidavit that states all of the following on an application form developed  
44 by the administrative office of the courts in agreement with an association  
45 of counties, an organization of peace officers and the department:

1           1. The peace officer's or prosecutor's full legal name and residential  
2 address.

3           2. The position the peace officer or prosecutor currently holds and a  
4 description of the peace officer's or prosecutor's duties.

5           3. The reasons the peace officer or prosecutor reasonably believes  
6 that the peace officer's or prosecutor's life or safety or that of another  
7 person is in danger and that redacting the residential address and telephone  
8 number from the department's public records will serve to reduce the danger.

9           C. The affidavit shall be filed with the presiding judge of the  
10 superior court in the county in which the affiant resides. To prevent a  
11 multiplicity of filings, a peace officer shall deliver the affidavit to the  
12 peace officer's commanding officer, who shall file the affidavits at one  
13 time, and prosecutors shall deliver the affidavit to the head of the  
14 prosecuting agency or that person's designee, who shall file the affidavits  
15 at one time. In the absence of an affidavit that contains a request for  
16 immediate action and that is supported by facts justifying an earlier  
17 presentation, the commanding officer, or the head of the prosecuting agency  
18 or that person's designee, shall not file affidavits more often than  
19 quarterly.

20           D. On receipt of an affidavit or affidavits, the presiding judge of  
21 the superior court shall cause to be filed with the clerk of the superior  
22 court a petition on behalf of all requesting peace officers and prosecutors.  
23 Each affidavit presented shall be attached to the petition. In the absence  
24 of an affidavit that contains a request for immediate action and that is  
25 supported by facts justifying an earlier consideration, the presiding judge  
26 may accumulate affidavits and file a petition at the end of each quarter.

27           E. The presiding judge of the superior court shall review the petition  
28 and each attached affidavit to determine whether the action requested by each  
29 peace officer and prosecutor should be granted. The presiding judge of the  
30 superior court shall order the redaction of the residence address and  
31 telephone number from the public records maintained by the department if the  
32 judge concludes that this action will reduce a danger to the life or safety  
33 of the affiant or another person.

34           F. On entry of the court order, the clerk of the superior court shall  
35 file the court order with the department. No more than one hundred fifty  
36 days after the date the department receives the court order, the department  
37 shall redact the residence addresses and telephone numbers of the peace  
38 officers and prosecutors listed in the court order from the public records of  
39 the department. The residence addresses and telephone numbers shall not be  
40 disclosed and are not part of a public record.

41           G. If the court denies an affiant's request pursuant to this section,  
42 the affiant may request a court hearing. The hearing shall be conducted by  
43 the court in the county where the petition was filed.

1 H. On motion to the court, if the presiding judge of the superior  
2 court concludes that a residential address or telephone number has been  
3 sealed in error or that the cause for the original affidavit no longer  
4 exists, the presiding judge may vacate the court order prohibiting public  
5 access to the residential address or telephone number.

6 I. Notwithstanding sections 28-447 and ~~28-452~~ 28-455, the department  
7 shall not release a photograph of a peace officer if the peace officer has  
8 made a request as prescribed in this section that persons be prohibited from  
9 accessing the peace officer's residential address and telephone number in any  
10 record maintained by the department.

11 J. This section does not prohibit the use of a peace officer's  
12 photograph that is either:

13 1. Used by a law enforcement agency to assist a person who has a  
14 complaint against an officer to identify the officer.

15 2. Obtained from a source other than the department.

16 K. For the purposes of this section, "prosecutor" means a county  
17 attorney, a municipal prosecutor or the attorney general and includes an  
18 assistant or deputy county attorney, municipal prosecutor or attorney  
19 general.

20 Sec. 5. Title 28, chapter 2, article 5, Arizona Revised Statutes, is  
21 amended by adding sections 28-455, 28-456 and 28-457, to read:

22 ~~28-455.~~ Release of personal information

23 A. IN ACCORDANCE WITH THE DRIVER'S PRIVACY PROTECTION ACT OF 1994  
24 (18 UNITED STATES CODE SECTIONS 2721 THROUGH 2725) AND NOTWITHSTANDING  
25 SECTION 28-447, THE DEPARTMENT SHALL NOT KNOWINGLY DISCLOSE OR OTHERWISE MAKE  
26 AVAILABLE TO ANY PERSON:

27 1. PERSONAL INFORMATION OBTAINED BY THE DEPARTMENT IN CONNECTION WITH  
28 A MOTOR VEHICLE RECORD EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

29 2. HIGHLY RESTRICTED PERSONAL INFORMATION OBTAINED BY THE DEPARTMENT  
30 IN CONNECTION WITH A MOTOR VEHICLE RECORD WITHOUT THE EXPRESS CONSENT OF THE  
31 PERSON TO WHOM THE INFORMATION APPLIES EXCEPT FOR USES PERMITTED IN  
32 SUBSECTION C, PARAGRAPHS 1, 4, 6 AND 9 OF THIS SECTION. THIS PARAGRAPH DOES  
33 NOT IN ANY WAY AFFECT THE USE OF ORGAN DONATION INFORMATION ON AN  
34 INDIVIDUAL'S DRIVER LICENSE OR AFFECT THE ADMINISTRATION OF ORGAN DONATION IN  
35 THIS STATE.

36 B. THE DEPARTMENT SHALL DISCLOSE PERSONAL INFORMATION FOR USE IN  
37 CONNECTION WITH THE FOLLOWING MATTERS:

38 1. MOTOR VEHICLE OR DRIVER SAFETY AND THEFT.

39 2. MOTOR VEHICLE EMISSIONS.

40 3. MOTOR VEHICLE PRODUCT ALTERATIONS, RECALLS OR ADVISORIES.

41 4. PERFORMANCE MONITORING OF MOTOR VEHICLES AND DEALERS BY MOTOR  
42 VEHICLE MANUFACTURERS.

43 5. REMOVAL OF NONOWNER RECORDS FROM THE ORIGINAL OWNER RECORDS OF  
44 MOTOR VEHICLE MANUFACTURERS TO CARRY OUT THE PURPOSES OF TITLES I AND IV OF  
45 THE ANTI CAR THEFT ACT OF 1992 (18 UNITED STATES CODE SECTIONS 2311 THROUGH

1 2322), THE AUTOMOBILE INFORMATION DISCLOSURE ACT (15 UNITED STATES CODE  
2 SECTIONS 1231, 1232 AND 1233), THE CLEAN AIR ACT OF 1963 (42 UNITED STATES  
3 CODE SECTIONS 7401 THROUGH 7671) AND 49 UNITED STATES CODE CHAPTERS 301, 305  
4 AND 321 THROUGH 331.

5 C. SUBJECT TO SUBSECTION A OF THIS SECTION, THE DEPARTMENT MAY  
6 DISCLOSE PERSONAL INFORMATION AS FOLLOWS:

7 1. FOR USE BY ANY GOVERNMENT AGENCY, INCLUDING ANY COURT OR LAW  
8 ENFORCEMENT AGENCY, IN CARRYING OUT ITS FUNCTIONS OR ANY PRIVATE PERSON OR  
9 ENTITY ACTING ON BEHALF OF A GOVERNMENT AGENCY IN CARRYING OUT ITS FUNCTIONS.

10 2. FOR USE IN CONNECTION WITH MATTERS OF:

11 (a) PERFORMANCE MONITORING OF MOTOR VEHICLES, MOTOR VEHICLE PARTS AND  
12 DEALERS.

13 (b) MOTOR VEHICLE MARKET RESEARCH ACTIVITIES, INCLUDING SURVEY  
14 RESEARCH.

15 (c) REMOVAL OF NONOWNER RECORDS FROM THE ORIGINAL OWNER RECORDS OF  
16 MOTOR VEHICLE MANUFACTURERS.

17 3. FOR USE IN THE NORMAL COURSE OF BUSINESS BY A LEGITIMATE BUSINESS  
18 OR ITS AGENTS, EMPLOYEES OR CONTRACTORS, BUT ONLY:

19 (a) TO VERIFY THE ACCURACY OF PERSONAL INFORMATION SUBMITTED BY THE  
20 INDIVIDUAL TO THE BUSINESS OR ITS AGENTS, EMPLOYEES OR CONTRACTORS.

21 (b) IF THE INFORMATION SUBMITTED IS NOT CORRECT OR IS NO LONGER  
22 CORRECT, TO OBTAIN THE CORRECT INFORMATION FOR THE PURPOSE OF PREVENTING  
23 FRAUD BY, PURSUING LEGAL REMEDIES AGAINST OR RECOVERING ON A DEBT OR SECURITY  
24 INTEREST AGAINST THE INDIVIDUAL.

25 4. FOR USE IN CONNECTION WITH ANY CIVIL, CRIMINAL, ADMINISTRATIVE OR  
26 ARBITRATION PROCEEDING IN ANY COURT OR GOVERNMENT AGENCY OR BEFORE ANY  
27 SELF-REGULATORY BODY, INCLUDING THE SERVICE OF PROCESS, INVESTIGATION IN  
28 ANTICIPATION OF LITIGATION AND THE EXECUTION OR ENFORCEMENT OF JUDGMENTS AND  
29 ORDERS, OR PURSUANT TO A COURT ORDER.

30 5. FOR USE IN RESEARCH ACTIVITIES AND FOR USE IN PRODUCING STATISTICAL  
31 REPORTS IF THE PERSONAL INFORMATION IS NOT PUBLISHED, REDISCLOSED OR USED TO  
32 CONTACT INDIVIDUALS.

33 6. FOR USE BY ANY INSURER OR INSURANCE SUPPORT ORGANIZATION OR BY A  
34 SELF-INSURED ENTITY OR ITS AGENTS, EMPLOYEES OR CONTRACTORS IN CONNECTION  
35 WITH CLAIMS INVESTIGATION ACTIVITIES, ANTIFRAUD ACTIVITIES, RATING OR  
36 UNDERWRITING.

37 7. FOR USE IN PROVIDING NOTICE TO THE OWNERS OF TOWED OR IMPOUNDED  
38 VEHICLES.

39 8. FOR USE BY ANY LICENSED PRIVATE INVESTIGATIVE AGENCY OR LICENSED  
40 SECURITY SERVICE FOR ANY PURPOSE PERMITTED UNDER THIS SECTION.

41 9. FOR USE BY AN EMPLOYER OR ITS AGENT OR INSURER TO OBTAIN OR VERIFY  
42 INFORMATION RELATING TO A HOLDER OF A COMMERCIAL DRIVER LICENSE THAT IS  
43 REQUIRED UNDER THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (49 UNITED  
44 STATES CODE SECTIONS 31301 THROUGH 31317).

1           10. FOR USE IN CONNECTION WITH THE OPERATION OF PRIVATE TOLL  
2 TRANSPORTATION FACILITIES.

3           11. FOR ANY OTHER USE IN RESPONSE TO REQUESTS FOR INDIVIDUAL MOTOR  
4 VEHICLE RECORDS IF THE STATE HAS OBTAINED THE EXPRESS CONSENT OF THE PERSON  
5 TO WHOM THE PERSONAL INFORMATION PERTAINS. EXPRESS CONSENT MAY BE CONVEYED  
6 AS EITHER OF THE FOLLOWING:

7           (a) A ONE-TIME AUTHORIZATION SUBMITTED BY A REQUESTER ON A CONSENT TO  
8 RELEASE FORM OR BY OTHER WRITTEN FORMAT AS PRESCRIBED BY THE DIRECTOR.

9           (b) GENERAL CONSENT OR OPT IN ON CERTAIN DEPARTMENT FORMS. THE  
10 DEPARTMENT SHALL PROVIDE IN A CLEAR AND CONSPICUOUS MANNER:

11           (i) NOTICE FOR EXPRESS CONSENT ON FORMS FOR ISSUANCE OR RENEWAL OF  
12 DRIVER LICENSES, NONOPERATING IDENTIFICATION LICENSES AND TITLE AND  
13 REGISTRATION THAT INFORMATION COLLECTED BY THE DEPARTMENT MAY BE DISCLOSED TO  
14 ANY PERSON REQUESTING INFORMATION FOR ANY PURPOSE PURSUANT TO THIS SUBSECTION  
15 AND SUBSECTION E OF THIS SECTION.

16           (ii) THE OPPORTUNITY FOR EXPRESS CONSENT ON FORMS FOR ISSUANCE OR  
17 RENEWAL OF DRIVER LICENSES, NONOPERATING IDENTIFICATION LICENSES, AND TITLE  
18 AND REGISTRATION, FOR EACH PERSON WHO IS THE SUBJECT OF A RECORD OF THE  
19 DEPARTMENT TO OPT IN, CONSENTING TO THE DISCLOSURE OF INFORMATION CONTAINED  
20 IN THE PERSON'S RECORD TO ANY PERSON REQUESTING INFORMATION FOR ANY PURPOSE  
21 AS PRESCRIBED BY THE DIRECTOR.

22           12. FOR BULK DISTRIBUTION FOR SURVEYS, MARKETING OR SOLICITATIONS IF  
23 THE DEPARTMENT HAS OBTAINED THE EXPRESS CONSENT OF THE PERSON TO WHOM THE  
24 PERSONAL INFORMATION PERTAINS.

25           13. FOR USE BY ANY REQUESTER IF THE REQUESTER DEMONSTRATES IT HAS  
26 OBTAINED THE WRITTEN CONSENT OF THE INDIVIDUAL TO WHOM THE INFORMATION  
27 PERTAINS.

28           14. FOR ANY OTHER USE THAT IS SPECIFICALLY AUTHORIZED BY LAW AND THAT  
29 IS RELATED TO THE OPERATION OF A MOTOR VEHICLE OR PUBLIC SAFETY, INCLUDING  
30 THE FOLLOWING:

31           (a) USE BY A FINANCIAL INSTITUTION OR ENTERPRISE UNDER THE  
32 JURISDICTION OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS OR A FEDERAL  
33 MONETARY AUTHORITY.

34           (b) USE BY A MOTOR VEHICLE DEALER WHO IS LICENSED AND BONDED BY THE  
35 DEPARTMENT OR A STATE ORGANIZATION OF LICENSED AND BONDED MOTOR VEHICLE  
36 DEALERS.

37           (c) USE BY A PERSON WHO IS INVOLVED IN AN ACCIDENT OR THE OWNER OF A  
38 VEHICLE INVOLVED IN AN ACCIDENT IF THE PERSON WHO REQUESTS THE INFORMATION  
39 SUBMITS PROOF TO THE DEPARTMENT OF INVOLVEMENT IN THE ACCIDENT.

40           (d) USE BY A PERSON APPLYING FOR A BONDED TITLE IF ALL OF THE  
41 FOLLOWING CONDITIONS EXIST:

42           (i) THE REQUESTER VERIFIES TO THE SATISFACTION OF THE DIRECTOR THAT  
43 THE VEHICLE ON WHICH THE REQUESTER IS REQUESTING THE RECORD IS IN THE  
44 REQUESTER'S POSSESSION.

1 (ii) THE RECORD IS REQUESTED IN ORDER FOR THE REQUESTER TO NOTIFY THE  
2 REGISTERED OWNER OF THE REQUESTER'S INTENT TO APPLY TO THE DEPARTMENT FOR A  
3 BONDED TITLE.

4 (iii) THE REQUESTER PROVIDES A VERIFICATION OF A VEHICLE INSPECTION  
5 THAT WAS PERFORMED BY AN AUTHORIZED DEPARTMENT EMPLOYEE OR AGENT.

6 (e) USE BY AN OPERATOR OF A SELF-SERVICE STORAGE FACILITY WHO ALLEGES  
7 ALL OF THE FOLLOWING:

8 (i) THAT THE VEHICLE ON WHICH THE OPERATOR IS REQUESTING THE RECORD IS  
9 IN THE OPERATOR'S POSSESSION.

10 (ii) THAT THE RECORD IS REQUESTED TO ALLOW THE OPERATOR TO NOTIFY THE  
11 REGISTERED OWNER AND ANY LIENHOLDERS OF RECORD OF THE OPERATOR'S INTENT TO  
12 FORECLOSE ITS LIEN AND TO SELL THE VEHICLE.

13 (f) FOR ANY OTHER USE AS DETERMINED BY THE DIRECTOR AND ESTABLISHED BY  
14 RULE.

15 D. THE DEPARTMENT MAY ESTABLISH AND CARRY OUT PROCEDURES UNDER WHICH  
16 THE DEPARTMENT, ON RECEIVING A REQUEST FOR PERSONAL INFORMATION THAT DOES NOT  
17 FALL WITHIN ONE OF THE EXCEPTIONS PRESCRIBED IN SUBSECTION B OR C OF THIS  
18 SECTION, MAY MAIL A COPY OF THE REQUEST TO THE INDIVIDUAL ABOUT WHOM THE  
19 INFORMATION WAS REQUESTED. THE MAILING SHALL INFORM THE INDIVIDUAL OF THE  
20 REQUEST AND CONTAIN A STATEMENT THAT THE INFORMATION WILL NOT BE RELEASED  
21 UNLESS THE INDIVIDUAL WAIVES THE INDIVIDUAL'S RIGHT TO PRIVACY UNDER THIS  
22 SECTION.

23 E. IN ADDITION TO THE PERMISSIBLE USES PRESCRIBED IN SUBSECTION C OF  
24 THIS SECTION, THE DEPARTMENT MAY DISCLOSE ITS MOTOR VEHICLE RECORDS  
25 INFORMATION, INCLUDING PERSONAL INFORMATION, AS A BULK RECORD ONLY UNDER ANY  
26 OF THE FOLLOWING CONDITIONS:

27 1. IF THE DIRECTOR DETERMINES EITHER OF THE FOLLOWING:

28 (a) THE SALE OR RELEASE OF THE RECORD IS NECESSARY FOR THE PUBLIC  
29 HEALTH OR SAFETY.

30 (b) THE USE IS FOR GENERAL RESEARCH OR GENERAL STATISTICAL PURPOSES  
31 THAT DO NOT PROVIDE SPECIFIC FACTORS FROM A RECORD.

32 2. FOR SURVEYS, MARKETING OR SOLICITATIONS IF THE DEPARTMENT HAS  
33 OBTAINED THE EXPRESS CONSENT OF THE PERSON TO WHOM THE PERSONAL INFORMATION  
34 PERTAINS.

35 3. FOR THE RELEASE OF MOTOR VEHICLE TITLE AND MOTOR VEHICLE  
36 REGISTRATION INFORMATION, VEHICLE IDENTIFICATION NUMBERS, TITLE BRANDS,  
37 ODOMETER READINGS AND BRANDS AND TITLE LIEN INFORMATION TO A REQUESTER IF THE  
38 REQUESTER IS IN THE BUSINESS OF PREPARING VEHICLE HISTORY REPORTS AND THE  
39 INFORMATION IS USED TO DEVELOP A VEHICLE HISTORY REPORT.

40 F. NO DRIVER HISTORIES MAY BE DISCLOSED UNDER SUBSECTION E OF THIS  
41 SECTION.

1 G. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION AND SECTION  
2 28-446, SUBSECTION B, RECORDS PROVIDED PURSUANT TO SUBSECTIONS B AND C OF  
3 THIS SECTION ARE SUBJECT TO THE FEES PRESCRIBED IN SECTION 28-446,  
4 SUBSECTIONS A AND C.

5 H. FOR RECORDS SEARCHED AND PROVIDED FOR THE PURPOSES DESCRIBED IN  
6 SUBSECTION E OF THIS SECTION, THE DIRECTOR:

7 1. SHALL CHARGE A SEARCH FEE THAT IS A MINIMUM OF SIX HUNDRED DOLLARS  
8 PER MILLION RECORDS SEARCHED.

9 2. SHALL CHARGE A RECORDS FEE THAT IS A MINIMUM OF THIRTY DOLLARS PER  
10 THOUSAND RECORDS PROVIDED.

11 3. MAY PRORATE THE CHARGE FOR FRACTIONAL QUANTITIES THAT ARE SEARCHED  
12 OR PROVIDED.

13 4. MAY CHARGE ONLY THE SEARCH FEE IF THE REQUEST IS IN ACCORDANCE WITH  
14 SUBSECTION E, PARAGRAPH 2 OF THIS SECTION.

15 I. RECORDS REQUESTS THAT REQUIRE A DATABASE SEARCH FOR SPECIFIC  
16 CRITERIA WITHIN A RECORD ARE SUBJECT TO A SEARCH FEE. IN ADDITION TO THIS  
17 SEARCH FEE, EACH MOTOR VEHICLE RECORD PROVIDED TO A RECORDS REQUESTER AS A  
18 RESULT OF A CRITERIA SEARCH INCURS RECORD FEES IN ACCORDANCE WITH SUBSECTION  
19 G OF THIS SECTION.

20 28-456. Subsequent sale or disclosure of record information by  
21 authorized recipient

22 A. EXCEPT AS PROVIDED IN SUBSECTIONS B AND C OF THIS SECTION, AN  
23 AUTHORIZED RECIPIENT OF PERSONAL INFORMATION MAY RESELL OR REDISCLOSE THE  
24 INFORMATION ONLY FOR A USE PERMITTED UNDER SECTION 28-455, SUBSECTION B OR C.

25 B. AN AUTHORIZED RECIPIENT UNDER SECTION 28-455, SUBSECTION C,  
26 PARAGRAPH 11 MAY RESELL OR REDISCLOSE PERSONAL INFORMATION FOR ANY PURPOSE.

27 C. AN AUTHORIZED RECIPIENT UNDER SECTION 28-455, SUBSECTION C,  
28 PARAGRAPH 12 MAY RESELL OR REDISCLOSE PERSONAL INFORMATION PURSUANT TO  
29 SECTION 28-455, SUBSECTION C, PARAGRAPH 12.

30 D. ANY AUTHORIZED RECIPIENT, EXCEPT A RECIPIENT UNDER SECTION 28-455,  
31 SUBSECTION C, PARAGRAPH 11, THAT RESELLS OR REDISCLOSES PERSONAL INFORMATION  
32 COVERED BY THIS SECTION SHALL KEEP FOR A PERIOD OF FIVE YEARS RECORDS  
33 IDENTIFYING EACH PERSON OR ENTITY THAT RECEIVES INFORMATION AND THE PERMITTED  
34 PURPOSE FOR WHICH THE INFORMATION WILL BE USED AND SHALL MAKE THE RECORDS  
35 AVAILABLE TO THE DEPARTMENT ON REQUEST.

36 28-457. Unlawful acts; civil actions

37 A. A PERSON SHALL NOT KNOWINGLY OBTAIN OR DISCLOSE PERSONAL  
38 INFORMATION OR HIGHLY RESTRICTIVE PERSONAL INFORMATION FROM A MOTOR VEHICLE  
39 RECORD FOR ANY USE NOT PERMITTED UNDER SECTION 28-455, SUBSECTION B OR C.

40 B. A PERSON SHALL NOT MAKE A FALSE REPRESENTATION TO OBTAIN ANY  
41 PERSONAL INFORMATION OR HIGHLY RESTRICTIVE PERSONAL INFORMATION FROM AN  
42 INDIVIDUAL'S MOTOR VEHICLE RECORD.

43 C. IN ADDITION TO ANY CRIMINAL PENALTIES OR SANCTIONS FOR VIOLATIONS  
44 OF THIS SECTION, CIVIL ACTIONS MAY ALSO BE BROUGHT IN A UNITED STATES  
45 DISTRICT COURT PURSUANT TO 18 UNITED STATES CODE SECTION 2724.

1           Sec. 6. Section 28-3158, Arizona Revised Statutes, is amended to read:  
2           28-3158. Driver license or instruction permit application

3           A. A person who applies for an instruction permit or for a driver  
4 license shall use a form furnished by the department.

5           B. An applicant shall pay the fee prescribed by section 28-3002 for a  
6 driver license or for an instruction permit issued under section 28-3154,  
7 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section  
8 entitles the applicant to not more than three attempts to pass the written  
9 examination or road test within twelve months from the date of the  
10 application. The department shall refund an application fee pursuant to  
11 section 28-373. An applicant who submits documentation of successful  
12 completion of a driver education course approved by the department is not  
13 required to take the road test.

14           C. An applicant for an instruction permit or a driver license shall  
15 give the department satisfactory proof of the applicant's full legal name,  
16 date of birth, sex and residence address and that the applicant's presence in  
17 the United States is authorized under federal law.

18           D. The application for an instruction permit or a driver license shall  
19 state the following:

20           1. A brief description of the applicant and any other identifying  
21 information required by the department.

22           2. Whether the applicant has been licensed, and if so, the type of  
23 license issued, when the license was issued and what state or country issued  
24 the license.

25           3. Whether the license was suspended or revoked or whether an  
26 application was ever refused, and if so, the date of and reason for the  
27 suspension, revocation or refusal.

28           4. If the applicant was never licensed, the applicant's last previous  
29 state or country of residence.

30           5. The social security number of the applicant unless the application  
31 is for a nonresident commercial driver license.

32           E. The department shall:

33           1. Verify that a social security number provided by an applicant is a  
34 valid number assigned to that applicant.

35           2. Retain the social security number in its records.

36           F. The social security number provided to the department pursuant to  
37 subsection D of this section for an applicant's driver license or instruction  
38 permit shall not appear on an applicant's driver license or instruction  
39 permit unless the applicant requests that the social security number appear  
40 on the applicant's driver license or instruction permit as the driver license  
41 or instruction permit number. Except as provided in sections ~~28-450~~ 28-455  
42 and 41-1954, the department shall not release the social security number to  
43 any person unless the applicant requests that the social security number  
44 appear on the applicant's driver license or instruction permit as the driver

1 license or instruction permit number. The provisions of this subsection  
2 shall be included in each application.

3 G. The department may adopt and implement procedures to deny a driver  
4 license or instruction permit to a person who has been deported. The  
5 department may adopt and implement procedures to reinstate a person's  
6 privilege to apply for a driver license or permit if the person's legal  
7 presence status is restored.

8 H. On request of an applicant, the department shall allow the  
9 applicant to provide on the license or permit a post office box address that  
10 is regularly used by the applicant.

11 I. The department may request an applicant who appears in person for a  
12 license, a duplicate license or reinstatement of a driving privilege to  
13 complete satisfactorily the vision screening prescribed by the department.

14 Sec. 7. Section 28-5101, Arizona Revised Statutes, is amended to read:  
15 28-5101. Third party authorization

16 A. The director may authorize third parties to perform certain title  
17 and registration, motor carrier licensing and tax reporting, dealer licensing  
18 and driver license functions.

19 B. The director may authorize a person to be a third party electronic  
20 service provider. An authorized third party electronic service provider  
21 shall meet all of the requirements established by the department relating to  
22 security, the minimum number of types of transactions, payment options and  
23 multiple service delivery channels. Before authorization by the director  
24 pursuant to this subsection, a person shall submit a plan approved by the  
25 director for transition of an authorized third party electronic service  
26 provider's customer service transactions to the department for the purposes  
27 of continued operation by the department. The director may require updates  
28 of the plan as deemed necessary by the director.

29 C. A person shall not engage in any business pursuant to this article  
30 unless the director authorizes the person to engage in the business.

31 D. The director may furnish necessary documents or license plates  
32 subject to this article.

33 E. Except as provided in subsection F of this section, an authorized  
34 third party or an authorized third party electronic service provider shall  
35 submit to the department all statutorily prescribed fees and taxes it  
36 collects. In addition to the statutorily prescribed fees and taxes, an  
37 authorized third party or an authorized third party electronic service  
38 provider may collect and retain a reasonable and commensurate fee for its  
39 services.

40 F. In addition to payment pursuant to section 28-374, the department  
41 shall reimburse the authorized third party or third party electronic service  
42 provider as follows:

- 43 1. One dollar of each registration fee for a vehicle or an aircraft.
- 44 2. One dollar of each title fee for a vehicle or an aircraft.

- 1           3. An amount equal to two per cent of each vehicle license tax payment  
2 the authorized third party collects and submits to the department or four  
3 dollars for each registration year or part of a registration year, whichever  
4 is more. The reimbursement amount shall not exceed the amount of vehicle  
5 license tax collected.
- 6           4. Four dollars for each application that the third party processes  
7 and that relates to driver licenses, nonoperating identification licenses or  
8 permits.
- 9           5. An amount equal to two per cent of each overweight or excess size  
10 vehicle registration or permit fee the third party collects and submits to  
11 the department or one dollar for each overweight or excess size vehicle  
12 registration or permit processed, whichever is more.
- 13           6. One dollar for each motor vehicle record, excluding motor vehicle  
14 records released to commercial recipients, including insurers and their  
15 authorized agents ~~as defined in section 28-450~~.
- 16           7. Five dollars for each tax report filing.
- 17           8. One dollar for each fuel tax permit.
- 18           9. One dollar for each nonsufficient funds check payment.
- 19           10. One dollar for each abandoned vehicle report.
- 20           11. One dollar for each abandoned vehicle payment.
- 21           12. Two dollars for each special license plate application.
- 22           13. One dollar for each vehicle dealer license plate application.
- 23           14. Five dollars for each application for an initial vehicle dealer  
24 license or continuation of a vehicle dealer license.
- 25           15. One dollar of each twelve dollar fee paid pursuant to section  
26 28-2356.
- 27           G. Each authorized third party that holds itself out as providing  
28 services to the general public shall post a sign in a conspicuous location in  
29 each facility of the authorized third party that contains the amount charged  
30 for each transaction performed by the authorized third party and the amount  
31 charged by the department for the same transaction.