

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 BULK RECORDS DOES NOT INCLUDE RETRIEVING ONE RECORD AT A TIME FROM A SINGLE  
9 REQUEST.  
10 ~~1-~~ 2. "Duplicate" means a counterpart produced by any of the  
11 following:  
12 (a) The same impression or from the same matrix as the original.  
13 (b) Means of photography, including enlargements and miniatures.  
14 (c) Mechanical or electronic rerecording.  
15 (d) Chemical reproduction.  
16 (e) Any other equivalent technique that accurately reproduces the  
17 original.  
18 3. "EXPRESS CONSENT" MEANS CONSENT IN WRITING, INCLUDING CONSENT THAT  
19 IS CONVEYED ELECTRONICALLY AND THAT BEARS AN ELECTRONIC SIGNATURE.  
20 4. "HIGHLY RESTRICTED PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S  
21 PHOTOGRAPH OR IMAGE, SOCIAL SECURITY NUMBER AND MEDICAL OR DISABILITY  
22 INFORMATION.  
23 5. "MOTOR VEHICLE RECORD" MEANS ANY RECORD THAT PERTAINS TO A DRIVER  
24 LICENSE OR PERMIT, VEHICLE REGISTRATION, VEHICLE TITLE OR IDENTIFICATION  
25 DOCUMENT ISSUED BY THE DEPARTMENT OR ITS DULY AUTHORIZED THIRD PARTIES,  
26 AGENTS OR CONTRACTORS THAT ARE AUTHORIZED TO ISSUE ANY OF THOSE DOCUMENTS.  
27 6. "OPT IN" MEANS A CUSTOMER OF THE DEPARTMENT HAS PROVIDED EXPRESS  
28 CONSENT TO THE DEPARTMENT TO ALLOW THE RELEASE OF THE CUSTOMER'S PERSONAL  
29 INFORMATION, INCLUDING HIGHLY RESTRICTED PERSONAL INFORMATION, IN A FORM  
30 PRESCRIBED BY THE DIRECTOR.  
31 ~~2-~~ 7. "Original":  
32 (a) Of a record means the record itself or any counterpart intended to  
33 have the same effect by the person executing or issuing it.  
34 (b) Of a photograph means the negative or a print from the negative.  
35 (c) Of data stored in a computer or similar device means a printout or  
36 other output that is readable by sight and that is shown to reflect the data  
37 accurately.  
38 8. "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES AN  
39 INDIVIDUAL, THAT INCLUDES AN INDIVIDUAL'S PHOTOGRAPH, SOCIAL SECURITY NUMBER,  
40 DRIVER IDENTIFICATION NUMBER, NAME, ADDRESS, TELEPHONE NUMBER AND MEDICAL OR  
41 DISABILITY INFORMATION. PERSONAL INFORMATION DOES NOT INCLUDE AN  
42 INDIVIDUAL'S FIVE DIGIT ZIP CODE AND INFORMATION ABOUT VEHICULAR ACCIDENTS,  
43 DRIVING VIOLATIONS AND DRIVER STATUS.  
44 ~~3-~~ 9. "Photographs" includes still photographs, x-ray films,  
45 videotapes, motion pictures and digitized electronic images.



1 by the administrative office of the courts in agreement with an association  
2 of counties, an organization of peace officers and the department:

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

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

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

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

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

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

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

43 G. If the court denies an affiant's request pursuant to this section,  
44 the affiant may request a court hearing. The hearing shall be conducted by  
45 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 ALLOWED IN SUBSECTION  
32 C, PARAGRAPHS 1, 4, 6 AND 9 OF THIS SECTION. THIS PARAGRAPH DOES NOT AFFECT  
33 THE USE OF ORGAN DONATION INFORMATION ON AN INDIVIDUAL'S DRIVER LICENSE OR  
34 AFFECT THE ADMINISTRATION OF ORGAN DONATION IN THIS STATE.

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

37 1. MOTOR VEHICLE OR DRIVER SAFETY AND THEFT.

38 2. MOTOR VEHICLE EMISSIONS.

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

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

42 5. REMOVAL OF NONOWNER RECORDS FROM THE ORIGINAL OWNER RECORDS OF  
43 MOTOR VEHICLE MANUFACTURERS TO CARRY OUT THE PURPOSES OF TITLES I AND IV OF  
44 THE ANTI CAR THEFT ACT OF 1992 (18 UNITED STATES CODE SECTIONS 2311 THROUGH  
45 2322), THE AUTOMOBILE INFORMATION DISCLOSURE ACT (15 UNITED STATES CODE

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

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

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

9 2. FOR USE IN CONNECTION WITH MATTERS OF:

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

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

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

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

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

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

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

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

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

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

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

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

44 10. FOR USE IN CONNECTION WITH THE OPERATION OF PRIVATE TOLL  
45 TRANSPORTATION FACILITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (e) USE BY AN OPERATOR OF A SELF-SERVICE STORAGE FACILITY WHO ALLEGES  
4 BOTH OF THE FOLLOWING:

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

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

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

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

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

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

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

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

29 2. FOR SURVEYS, MARKETING OR SOLICITATIONS IF THE DEPARTMENT HAS  
30 OBTAINED THE EXPRESS CONSENT OF THE PERSON TO WHOM THE PERSONAL INFORMATION  
31 PERTAINS.

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

37 F. DRIVER HISTORIES SHALL NOT BE DISCLOSED UNDER SUBSECTION E OF THIS  
38 SECTION.

39 G. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION AND SECTION  
40 28-446, SUBSECTION B, RECORDS PROVIDED PURSUANT TO SUBSECTIONS B AND C OF  
41 THIS SECTION ARE SUBJECT TO THE FEES PRESCRIBED IN SECTION 28-446,  
42 SUBSECTIONS A AND C.

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

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

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

5           3. MAY PRORATE THE CHARGE FOR FRACTIONAL QUANTITIES THAT ARE SEARCHED  
6 OR PROVIDED.

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

9           I. RECORDS REQUESTS THAT REQUIRE A DATABASE SEARCH FOR SPECIFIC  
10 CRITERIA WITHIN A RECORD ARE SUBJECT TO A SEARCH FEE. IN ADDITION TO THIS  
11 SEARCH FEE, EACH MOTOR VEHICLE RECORD PROVIDED TO A RECORDS REQUESTER AS A  
12 RESULT OF A CRITERIA SEARCH INCURS RECORD FEES IN ACCORDANCE WITH SUBSECTION  
13 G OF THIS SECTION.

14           28-456. Subsequent sale or disclosure of record information by  
15 authorized recipient

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

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

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

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

30           28-457. Unlawful acts; civil actions

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

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

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

40           Sec. 6. Section 28-3158, Arizona Revised Statutes, is amended to read:

41           28-3158. Driver license or instruction permit application

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

44           B. An applicant shall pay the fee prescribed by section 28-3002 for a  
45 driver license or for an instruction permit issued under section 28-3154,

1 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section  
2 entitles the applicant to not more than three attempts to pass the written  
3 examination or road test within twelve months from the date of the  
4 application. The department shall refund an application fee pursuant to  
5 section 28-373. An applicant who submits documentation of successful  
6 completion of a driver education course approved by the department is not  
7 required to take the road test.

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

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

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

16 2. Whether the applicant has been licensed, and if so, the type of  
17 license issued, when the license was issued and what state or country issued  
18 the license.

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

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

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

26 E. The department shall:

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

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

30 F. The social security number provided to the department pursuant to  
31 subsection D of this section for an applicant's driver license or instruction  
32 permit shall not appear on an applicant's driver license or instruction  
33 permit unless the applicant requests that the social security number appear  
34 on the applicant's driver license or instruction permit as the driver license  
35 or instruction permit number. Except as provided in sections ~~28-450~~ 28-455  
36 and 41-1954, the department shall not release the social security number to  
37 any person unless the applicant requests that the social security number  
38 appear on the applicant's driver license or instruction permit as the driver  
39 license or instruction permit number. The provisions of this subsection  
40 shall be included in each application.

41 G. The department may adopt and implement procedures to deny a driver  
42 license or instruction permit to a person who has been deported. The  
43 department may adopt and implement procedures to reinstate a person's  
44 privilege to apply for a driver license or permit if the person's legal  
45 presence status is restored.

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

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

7 Sec. 7. Section 28-5101, Arizona Revised Statutes, is amended to read:  
8 28-5101. Third party authorization

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

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

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

24 D. The director may furnish necessary documents or license plates  
25 subject to this article.

26 E. Except as provided in subsection F of this section, an authorized  
27 third party or an authorized third party electronic service provider shall  
28 submit to the department all statutorily prescribed fees and taxes it  
29 collects. In addition to the statutorily prescribed fees and taxes, an  
30 authorized third party or an authorized third party electronic service  
31 provider may collect and retain a reasonable and commensurate fee for its  
32 services.

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

36 1. One dollar of each registration fee for a vehicle or an aircraft.

37 2. One dollar of each title fee for a vehicle or an aircraft.

38 3. An amount equal to two per cent of each vehicle license tax payment  
39 the authorized third party collects and submits to the department or four  
40 dollars for each registration year or part of a registration year, whichever  
41 is more. The reimbursement amount shall not exceed the amount of vehicle  
42 license tax collected.

43 4. Four dollars for each application that the third party processes  
44 and that relates to driver licenses, nonoperating identification licenses or  
45 permits.

- 1           5. An amount equal to two per cent of each overweight or excess size  
2 vehicle registration or permit fee the third party collects and submits to  
3 the department or one dollar for each overweight or excess size vehicle  
4 registration or permit processed, whichever is more.
- 5           6. One dollar for each motor vehicle record, excluding motor vehicle  
6 records released to commercial recipients, including insurers and their  
7 authorized agents ~~as defined in section 28-450~~.
- 8           7. Five dollars for each tax report filing.
- 9           8. One dollar for each fuel tax permit.
- 10          9. One dollar for each nonsufficient funds check payment.
- 11          10. One dollar for each abandoned vehicle report.
- 12          11. One dollar for each abandoned vehicle payment.
- 13          12. Two dollars for each special license plate application.
- 14          13. One dollar for each vehicle dealer license plate application.
- 15          14. Five dollars for each application for an initial vehicle dealer  
16 license or continuation of a vehicle dealer license.
- 17          15. One dollar of each twelve dollar fee paid pursuant to section  
18 28-2356.
- 19          G. Each authorized third party that holds itself out as providing  
20 services to the general public shall post a sign in a conspicuous location in  
21 each facility of the authorized third party that contains the amount charged  
22 for each transaction performed by the authorized third party and the amount  
23 charged by the department for the same transaction.