

HOUSE AMENDMENTS TO HOUSE BILL 3197

By COMMITTEE ON TRANSPORTATION

May 2

1 On page 1 of the printed bill, line 2, delete “and 97.964” and insert “, 97.964, 802.179 and
2 802.181”.

3 On page 2, line 27, after “gift” insert “and constitutes permission to be placed on a registry”.

4 In line 29, delete “all infor-” and insert “the name, address, birth date and donor designation
5 as listed”.

6 In line 30, delete “mation that appears” and delete “who has”.

7 Delete lines 31 and 32 and insert “designated as a donor under this subsection. The
8 information”.

9 On page 4, line 44, restore “circumstances permitting,”.

10 On page 5, after line 34, insert:

11 “**SECTION 6.** ORS 802.179 is amended to read:

12 “802.179. (1) The Department of Transportation, upon request or as required by law, shall dis-
13 close personal information from a motor vehicle record to a government agency for use in carrying
14 out its governmental functions.

15 “(2) The department shall disclose personal information from a motor vehicle record for use in
16 connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor
17 vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and
18 dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner
19 records of motor vehicle manufacturers to carry out the purposes of any of the following federal
20 Acts:

21 “(a) The Automobile Information Disclosure Act.

22 “(b) The Motor Vehicle Information and Cost Saving Act.

23 “(c) The National Traffic and Motor Vehicle Safety Act of 1966.

24 “(d) The Anti-Car Theft Act of 1992.

25 “(e) The Clean Air Act.

26 “(3)(a) If the department determines that a business is a legitimate business, the department
27 shall disclose personal information to the business for use in the normal course of business in:

28 “(A) Verifying the accuracy of personal information submitted to the business; or

29 “(B) Correcting personal information submitted to the business, but only in order to:

30 “(i) Prevent fraud;

31 “(ii) Pursue legal remedies against the individual who submitted the personal information; or

32 “(iii) Recover a debt from, or satisfy a security interest against, the individual.

33 “(b) The department shall adopt rules specifying the kind of information that the department
34 will accept as evidence that a business is a legitimate business.

35 “(4) The department shall disclose personal information to:

1 “(a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency
2 registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbi-
3 tration proceeding in any court, government agency or self-regulatory body. Permissible uses of
4 personal information under this paragraph include but are not limited to service of process, inves-
5 tigation in anticipation of litigation and the execution and enforcement of judgments and orders.

6 “(b) A process server acting as an agent for an individual for use in serving documents in con-
7 nection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in
8 any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities
9 of a process server when acting as an agent for an attorney, collection agency or like person or for
10 a government agency.

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

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

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

24 “(a) Tow companies;

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

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

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

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

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

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

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

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

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

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

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

7 “(b) The disseminator shall enter into a contract with the department. A contract under this
8 paragraph shall contain at least the following provisions:

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

11 “(B) That the disseminator will provide the personal information only as provided in ORS
12 802.181.

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

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

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

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

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

26 “(18) The department shall disclose personal information to a private investigator licensed by
27 any licensing authority within the State of Oregon, to be used for any purpose permitted any person
28 under this section. A licensed private investigator requesting information must prove to the de-
29 partment that the person has a corporate surety bond, an irrevocable letter of credit issued by an
30 insured institution as defined in ORS 706.008 or such other security as the Oregon Board of Inves-
31 tigators may prescribe by rule in the minimum amount of \$5,000 or errors and omissions insurance
32 in the minimum amount of \$5,000.

33 “(19) **The department shall disclose personal information to a procurement organization**
34 **as defined in ORS 97.950 for the purpose of facilitating the making of anatomical gifts under**
35 **the provisions of 97.952.**

36 “**SECTION 7.** ORS 802.181 is amended to read:

37 “802.181. (1) Except as otherwise provided in subsections (2) to (5) of this section, a person or
38 government agency that is authorized under ORS 802.179 to receive personal information from motor
39 vehicle records may resell or redisclose the information only to a person or government agency
40 authorized to receive it under ORS 802.179 and only for purposes authorized under ORS 802.179.

41 “(2) A researcher who receives personal information under ORS 802.179 (5) may not resell or
42 redisclose the information except as provided in ORS 802.179 (5).

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

45 “(4) A representative of the news media who receives personal information under ORS 802.179

1 (14) may not resell or redisclose the information except as provided in ORS 802.179 (14).

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

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

9 “(7) **A procurement organization that receives personal information as authorized by ORS**
10 **802.179 (19) may not resell or redisclose the information.”.**

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