



Basics about access to DMV records

What DMV records are public? Under the Oregon Public Records Law, passed in 1973, state and local government records are public unless they are specifically exempt from disclosure by statute. DMV records on vehicles and drivers are all public information. Specific exceptions in statute protect the confidentiality of medical information, accident reports filed by an individual (not those filed by law enforcement), and addresses of persons who have established a necessity for confidentiality of their address. Address information from vehicle and driver records is otherwise public. The fees DMV charges cover their costs of locating and providing a record or list. Fees for individual records range from \$1.50 for a driving record and \$4 for a vehicle record, to \$14 for a previous owner record showing the last title transaction for a vehicle. Also available are computer tapes and printouts of vehicle or driver record lists for \$222.

Can my address be kept confidential? Yes, but only under the following very limited circumstances:

- State and local agencies, including DMV, are authorized to withhold the release of your address if you can provide evidence that disclosure of your address would constitute a danger to your personal safety. Law enforcement would still have access to such addresses.
- You can have your name withheld from DMV lists sold for direct mail advertising purposes by checking a box on most DMV forms.
- Eligible public employees may use their work address instead of their home address in DMV records. The eligible employees include law enforcement and corrections officers and certain Human Resources Department employees.

Are there are other sources of address information? Yes. Most people have their addresses in the phone book. The phone book white pages are also listed on the Internet through several on-line search services. Property owners' names and addresses are available from county assessors. Other state agencies provide addresses, either individually or by list, including the Department of Fish and Wildlife (for hunting and fishing license holders) and the Marine Board (for boat license holders). Commercial data search services also locate and provide addresses and address lists.

Do other states have public records laws similar to Oregon's? Yes. In 1995, according to the National Conference of State Legislatures, 29 states did not restrict availability of

driver's home addresses. The other 21 states restricted access in some way. State laws restricting access vary as to who can still obtain addresses, for what purposes they can be used, and the steps a requester must take in order to obtain an address. Washington state will release names and addresses to businesses and other requesters who give their name and address and the purpose of the request. California passed restricted access legislation in 1989 following the murder of an actress whose address was obtained from state vehicle records. The law has since been amended to allow attorneys access under certain circumstances.

Has the Oregon Legislature ever considered keeping address information confidential?

Yes. The Legislature passed the limited restrictions listed above through individual pieces of legislation. Legislation to more substantially restrict access to DMV records has been introduced at least every session since 1989, but none has passed. When legislative committees discuss such bills, controversy quickly arises over who should have access to address information. The use of DMV address information is very widespread and serves many functions. Whether each, or any, of these purposes override a person's right to privacy is a difficult question. Agreement is *easily* reached that law enforcement and security interest holders (lending institutions who hold title to vehicles) need the information. Agreement is *usually* reached that other state and local agencies and insurance companies need the information. Beyond that, there is little agreement.

Who are users of address information from DMV? Most requests for DMV records are from agencies with direct access, like law enforcement, and account holders. Account holders include vehicle dealers, insurance companies, financial institutions, newspapers, private investigators, lawyers, and businesses (for advertising, collection, and other purposes). Other users include individual vehicle purchasers, employers, and towing companies.

Is there a federal law that affects access to address information? Yes, it is part of the 1994 Violent Crime Control and Law Enforcement Act. The records provisions, which go into effect in 1997, will prohibit release of personal information, including addresses, from state motor vehicle records except for specific authorized purposes. The purposes include law enforcement and information about vehicles for insurance, security interest, and other purposes. Another exception would allow business to *verify* addresses for their business purposes. The Oregon Department of Transportation will introduce legislation for DMV in 1997 to comply with the federal requirement.