

SENATE BILL No. 410

AN ACT relating to the division of vehicles; concerning certain records; amending K.S.A. 2001 Supp. 74-2012 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2001 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) ~~(1) All motor vehicle records of the division of vehicles shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 2001 Supp. 74-2022, and amendments thereto.~~

(2) *For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.*

~~(b) All records of the division of vehicles relating to expungement or except as provided further, any;~~ *(b) All records of the division of vehicles relating motor vehicle records which: (1) Relate to the physical or mental condition of any person; (2) have been expunged; or (3) are photographs maintained by the division of vehicles or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be available to criminal justice agencies, as defined in K.S.A. 22-4701, and amendments thereto, for use in criminal investigations or criminal proceedings. Motor vehicle records of the division relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access only to:*

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion *or to determine the proper charge for a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by K.S.A. 8-1567, and amendments thereto;*

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from ~~motor vehicle records of the division of vehicles~~ shall not be sold, given or received for the purposes prohibited by K.S.A. 21-3914, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from ~~public records of the division~~ *motor vehicle records* upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

(i) Have safety-related defects,

(ii) fail to comply with emission standards; or

(iii) have any defect to be remedied at the expense of the manufacturer;

(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy;

(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act; ~~or~~

~~(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed; or~~

~~(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle~~

history reports shall not include the names or addresses of any current or previous owners.

(2) Any law enforcement agency of this state which has access to ~~public records of the division~~ *motor vehicle records* may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 2001 Supp. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 2001 Supp. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from *motor vehicle records* ~~of the division of vehicles~~.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 2001 Supp. 74-2022, and amendments thereto, of not less than \$2 for each ~~request for information in the public records of the division concerning any vehicle or licensed driver~~ *full or partial motor vehicle record* shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any ~~information~~ *full or partial motor vehicle record* requested. Except for the fees charged pursuant to a contract for ~~title and registration~~ *motor vehicle records on vehicles* authorized by this subsection *pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(D)*, \$1 shall be credited to the highway patrol training center fund for each ~~record~~ *motor vehicle record provided by the division of vehicles*.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 2. K.S.A. 2001 Supp. 74-2012 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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SENATE concurred in  
HOUSE amendments \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*