

HOUSE BILL No. 2217

By Committee on Transportation

1-28

9 AN ACT relating to the division of vehicles; concerning records thereof;
10 amending K.S.A. 2004 Supp. 74-2012 and repealing the existing
11 section.

12

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

14 Section 1. K.S.A. 2004 Supp. 74-2012 is hereby amended to read as
15 follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the
16 provisions of the open records act, except as otherwise provided under
17 the provisions of this section and by K.S.A. 74-2022, and amendments
18 thereto.

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

23 (b) All motor vehicle records which: (1) Relate to the physical or
24 mental condition of any person; (2) have been expunged; or (3) are pho-
25 tographs or digital images maintained in connection with the issuance of
26 drivers’ licenses shall be confidential and shall not be disclosed except in
27 accordance with a proper judicial order or as otherwise more specifically
28 provided in this section or by other law. Photographs or digital images
29 maintained by the division of vehicles in connection with the issuance of
30 drivers’ licenses shall be available to criminal justice agencies, as defined
31 in K.S.A. 22-4701, and amendments thereto, for use in criminal investi-
32 gations or criminal proceedings. Motor vehicle records relating to diver-
33 sion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908,
34 and amendments thereto, shall be confidential and shall not be disclosed
35 except in accordance with a proper judicial order or by direct computer
36 access to:

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

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

- 1 (3) a law enforcement agency, for the purpose of supplying the record
2 to a person authorized to obtain it under paragraph (1) or (2) of this
3 subsection; or
- 4 (4) an employer when a person is required to retain a commercial
5 driver's license due to the nature of such person's employment.
- 6 (c) Lists of persons' names and addresses contained in or derived
7 from motor vehicle records shall not be sold, given or received for the
8 purposes prohibited by K.S.A. 2004 Supp. 45-230, and amendments
9 thereto, except that:
- 10 (1) The director of vehicles may provide to a requesting party, and a
11 requesting party may receive, such a list and accompanying information
12 from motor vehicle records upon written certification that the requesting
13 party shall use the list solely for the purpose of:
- 14 (A) Assisting manufacturers of motor vehicles in compiling statistical
15 reports or in notifying owners of vehicles believed to:
- 16 (i) Have safety-related defects;
- 17 (ii) fail to comply with emission standards; or
- 18 (iii) have any defect to be remedied at the expense of the
19 manufacturer;
- 20 (B) assisting an insurer authorized to do business in this state, or the
21 insurer's authorized agent;
- 22 (i) In processing an application for, or renewal or cancellation of, a
23 motor vehicle liability insurance policy; or
- 24 (ii) *in conducting antifraud activities by identifying potential undis-*
25 *closed drivers by providing the following information from drivers license*
26 *records: drivers license number, license type, date of birth, name, address,*
27 *issue date and expiration date;*
- 28 (C) assisting the selective service system in the maintenance of a list
29 of persons 18 to 26 years of age in this state as required under the pro-
30 visions of section 3 of the federal military selective service act;
- 31 (D) assisting any federal, state or local agency, including any court or
32 law enforcement agency, or any private person acting on behalf of such
33 agencies in carrying out the functions required of such governmental
34 agency, except that such records shall not be redisclosed; or
- 35 (E) assisting businesses with the verification or reporting of infor-
36 mation derived from the title and registration records of the division to
37 prepare and assemble vehicle history reports, except that such vehicle
38 history reports shall not include the names or addresses of any current or
39 previous owners.
- 40 (2) Any law enforcement agency of this state which has access to
41 motor vehicle records may furnish to a requesting party, and a requesting
42 party may receive, such a list and accompanying information from such
43 records upon written certification that the requesting party shall use the

1 list solely for the purpose of assisting an insurer authorized to do business
2 in this state, or the insurer's authorized agent, in processing an application
3 for, or renewal or cancellation of, a motor vehicle liability insurance
4 policy.

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

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

22 (f) A fee in an amount fixed by the secretary of revenue pursuant to
23 K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each
24 full or partial motor vehicle record shall be charged by the division, except
25 that the director may charge a lesser fee pursuant to a contract between
26 the secretary of revenue and any person to whom the director is author-
27 ized to furnish information under paragraph (1) of subsection (c), and
28 such fee shall not be less than the cost of production or reproduction of
29 any full or partial motor vehicle record requested. Except for the fees
30 charged pursuant to a contract for motor vehicle records authorized by
31 this subsection pertaining to motor vehicle titles or motor vehicle regis-
32 trations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be
33 credited to the highway patrol training center fund for each motor vehicle
34 record provided by the division of vehicles.

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

37 Sec. 2. K.S.A. 2004 Supp. 74-2012 is hereby repealed.

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