

UPDATED
SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2179

As Recommended by House Committee on
Transportation

Brief*

HB 2179 would amend law restricting access to motor vehicle records. The bill would remove from state law certain purposes for which state motor vehicle records may be released, but also would allow release for any purpose not listed in Kansas law that is permissible under the federal Driver's Privacy Protection Act as it existed on January 1, 2018. [Note: Permissible uses under federal law are summarized in the Background section and generally include the state purposes that would be removed.]

The bill would make corresponding changes to provisions directing \$1 for each record requested to the Highway Patrol Training Center Fund (Fund).

Background

The bill was introduced by the House Committee on Transportation at the request of a representative of IHS Markit.

At the House Committee hearing, a representative of R.L. Polk & Co., which was described as a wholly owned legal entity of IHS Markit, provided proponent testimony. He stated his company uses the information for purposes including safety recalls and CARFAX vehicle history reporting and the bill would align Kansas statutes with the federal

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Driver's Privacy Protection Act (18 USC 2721 *et seq.*, enacted in 1994). He noted the statute being amended predates the federal act. No neutral or opponent testimony was provided.

The bill was recommended by the House Committee on February 19, 2019, but was withdrawn from the House Calendar and referred to the House Committee on Appropriations on February 27, 2017. The bill was then withdrawn from the House Committee on Appropriations and rereferred to the House Committee on Transportation on March 6, 2019. The House Committee again recommended the bill favorably for passage on March 19, 2019, and recommended the bill be placed on the Consent Calendar.

The federal Driver's Privacy Protection Act (in 18 USC 2721(b)) includes these permissible uses:

- To carry out a governmental function, by any government agency or private person or entity working on its behalf;
- In connection with matters of motor vehicle or driver safety and theft, emissions, product recalls or advisories, motor vehicle market research, and updating manufacturer owner records;
- Business verification of personal information submitted to it;
- In connection with any court or arbitration matter including service of process;
- For research, so long as personal information is not disclosed;
- For use by insurers, in connection with claims investigation or antifraud activities, rating, or underwriting;

- To give notice to owners of towed or impounded vehicles;
- By private investigative agencies for a permissible purpose;
- For employer verification of commercial driver's license information;
- For operations of private toll transportation facilities;
- For response to requests for individual records if the State has obtained express consent of the person to whom such personal information pertains (express consent);
- For bulk distribution of surveys, marketing, or solicitations if the State has obtained express consent;
- For use by any requester if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains; and
- For any other use specifically authorized under state law if the use is related to the operation of a motor vehicle or public safety.

The bill would retain the state uses of assisting the selective service system, assisting businesses with the verification or reporting of information to prepare and assemble vehicle history reports, assisting an employer in monitoring the driving record of employees required to drive in the course of employment, and assisting the Kansas Commission on Veterans' Affairs Office in notifying veterans of facilities, benefits, and services available to them.

According to the fiscal note prepared by the Division of the Budget, enactment of the bill would increase administrative costs of the Department of Revenue by \$1,000 to update the driver's licensing system. The Kansas Highway Patrol indicates the bill could affect revenues to the Fund but a precise estimate could not be provided.