

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 635

5 By: Senator Files
6 By: Representative Hickerson
7

For An Act To Be Entitled

9 AN ACT CONCERNING AUTHORIZATION FOR RELEASE OF A
10 MOTOR VEHICLE RECORD; TO HOLD THE DEPARTMENT OF
11 FINANCE AND ADMINISTRATION HARMLESS FOR THE RELEASE
12 OF A MOTOR VEHICLE RECORD CONTRARY TO STATE OR
13 FEDERAL LAW; TO INDEMNIFY THE STATE OF ARKANSAS FOR
14 DAMAGES THAT ARISE FROM AN UNAUTHORIZED RELEASE OF A
15 MOTOR VEHICLE RECORD; TO PROVIDE A FEE FOR THE
16 PROVISION OF AN ELECTRONIC RECORD; TO DIRECT THAT THE
17 FEE COLLECTED FOR AN ELECTRONIC RECORD AND A
18 CERTIFIED DOCUMENT BE DIRECTED TO THE STATE CENTRAL
19 SERVICES FUND FOR THE BENEFIT OF THE REVENUE DIVISION
20 OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO
21 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

24 CONCERNING AUTHORIZATION FOR THE RELEASE
25 OF MOTOR VEHICLE RECORD INFORMATION BY
26 THE OFFICE OF MOTOR VEHICLE; AND TO
27 DECLARE AN EMERGENCY.
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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 SECTION 1. Arkansas Code § 27-14-412, concerning records of the Office
34 of Motor Vehicle, is amended to read as follows:
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36 (a)(1) All records of the Office of Motor Vehicle, other than those



1 declared by law to be confidential for the use of the office, shall be open
2 to public inspection during office hours.

3 (2) The use of lists or other aggregations of compilations of
4 motor vehicle registration information is restricted to safety recall
5 notification programs involving motor vehicles and motor vehicle equipment,
6 other federal and state agency programs, ~~and~~ research and statistics
7 involving motor vehicles in which individual identities are not published ,
8 disclosed, or for any other purpose authorized by the Driver's Privacy
9 Protection Act of 1994, 18 U.S.C. § § 2721 – 2725, as it existed on January
10 1, 2015.

11 (3) Motor vehicle registration information shall not be sold,
12 furnished, or used for solicitation purposes.

13 (b)(1) The Commissioner of Motor Vehicles and such officers of the
14 office as the commissioner may designate are authorized to prepare under the
15 seal of the office and deliver upon request a certified copy of any record of
16 the office or a noncertified electronic copy of any record of the office.

17 (2) A fee of one dollar (\$1.00) shall be charged for each
18 ~~document so~~ certified record authenticated.

19 (3) Every ~~such~~ certified copy shall be admissible in any
20 proceeding in any court in like manner as the original.

21 (4) A party requesting a noncertified electronic record shall
22 execute a written agreement with the Department of Finance and Administration
23 that includes the following provisions:

24 (A) An acknowledgment that the party requesting a record
25 shall comply with all state and federal limits on the use of those records;

26 (B) An agreement that the party seeking to obtain records
27 shall hold harmless and indemnify the Department of Finance and
28 Administration for any money damages, punitive damages, criminal fines, civil
29 penalties, court costs, and attorney's fees awarded to any person or entity
30 by any state or federal court or by the Arkansas State Claims Commission
31 resulting from any disclosure by the party of motor vehicle information that
32 is contrary to state or federal law; and

33 (C) A fee of not less than twenty dollars and fifty cents
34 (\$20.50) nor more than thirty dollars (\$30.00) per one thousand (1,000)
35 records shall be charged for electronic records.

36 (c) The commissioner may destroy any records of the office ~~which~~ that

1 have been maintained on file for five (5) years ~~which~~ that he or she ~~may deem~~
2 considers obsolete and of no further service in carrying out the powers and
3 duties of the office.

4 (d) All fees collected under this section shall be deposited to the
5 State Central Services Fund for the benefit of the Revenue Division of the
6 Department of Finance and Administration.

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11 **APPROVED: 03/20/2015**
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