

Introduced by Senator Karnette

February 22, 2002

An act to amend Sections 1808.22 and 40200.8 of, and to add Section 40200.7 to, the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 2031, as introduced, Karnette. Department of Motor Vehicles: records.

Existing law, subject to exceptions, makes certain information maintained by the Department of Motor Vehicles confidential, as specified. Existing law also excepts from those provisions, requests by attorneys for residential address information for the purpose of representing the attorney's client in a criminal or civil action, if certain criteria are met, as specified. A knowing violation of certain of these provisions is a misdemeanor.

This bill would exclude from the exception, the circumstance where the civil or criminal action is taken on behalf of a private parking owner or private parking entity in order to obtain fees or delinquent charges, as specified.

By broadening the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law provides a procedure whereby specified entities submit documents pertaining to unpaid parking violations to the Department of Motor Vehicles, which is then required to withhold renewal of a motor vehicle registration pending payment for the parking violation, as specified.

This bill would provide that only certain public entities would be authorized to submit documents pertaining to unpaid parking violations

to the Department of Motor Vehicles, for enforcement by withholding renewals of motor vehicle registrations, as specified. This bill would also correct an obsolete cross reference.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.22 of the Vehicle Code is amended
2 to read:

3 1808.22. (a) Section 1808.21 does not apply to a financial
4 institution licensed by the state or federal government to do
5 business in the State of California which states under penalty of
6 perjury that it has obtained a written waiver of Section 1808.21
7 signed by the individual whose address is requested, or to
8 providing the address of any person who has entered into an
9 agreement held by that institution prior to July 1, 1990, so long as
10 that agreement remains in effect.

11 (b) Section 1808.21 does not apply to an insurance company
12 licensed to do business in California when the company, under
13 penalty of perjury, requests the information for the purpose of
14 obtaining the address of another motorist or vehicle owner
15 involved in an accident with their insured, or requests the
16 information on an individual who has signed a written waiver of
17 Section 1808.21 or the individuals insured under a policy if a
18 named insured of that policy has signed a written waiver.

19 (c) Section 1808.21 does not apply to an attorney when the
20 attorney states, under penalty of perjury, that the motor vehicle or
21 vessel registered owner or driver residential address information
22 is necessary in order to represent his or her client in a criminal or
23 civil action which directly involves the use of the motor vehicle or
24 vessel that is pending, is to be filed, or is being investigated.
25 Information requested pursuant to this subdivision is subject to all
26 of the following:



1 (1) The attorney shall state that the criminal or civil action that
2 is pending, is to be filed, or is being investigated relates directly
3 to the use of that motor vehicle or vessel.

4 (2) The case number, if any, or the names of expected parties
5 to the extent they are known to the attorney requesting the
6 information, shall be listed on the request.

7 (3) A residence address obtained from the department shall not
8 be used for any purpose other than in furtherance of the case cited
9 or action to be filed or which is being investigated.

10 (4) If no action is filed within a reasonable time, the residence
11 address information shall be destroyed.

12 (5) No attorney shall request residence address information
13 pursuant to this subdivision in order to sell the information to any
14 person.

15 (6) Within 10 days of receipt of a request, the department shall
16 notify every individual whose residence address has been
17 requested pursuant to this subdivision.

18 (d) *As used in subdivision (c), a criminal or civil action shall*
19 *not include any action taken on behalf of a private parking owner*
20 *or private parking entity in order to pursue fees or delinquent*
21 *charges arising from parking notices issued on private property.*

22 (e) A knowing violation of paragraph (1), (2), (3), (4), or (5) of
23 subdivision (c) is a misdemeanor. A knowing violation of
24 paragraph (1), (2), (3), (4), or (5) of subdivision (c) in furtherance
25 of another crime is subject to the same penalties as that other crime.

26 SEC. 2. Section 40200.7 is added to the Vehicle Code, to read:
27 40200.7. As used in this article, only a government entity
28 defined as the state, or subdivision, department, court, or agency
29 thereof, including special districts, school districts, the Board of
30 Regents of the University of California, and any city, county, city
31 and county, or any agency or subdivision thereof, or their
32 contracted processing agency, as defined in Section 40200.6, shall
33 be authorized to place a registration hold pursuant to Section
34 40220.

35 SEC. 3. Section 40200.8 of the Vehicle Code is amended to
36 read:

37 40200.8. The parking processing agency shall notify the
38 department and recall any hold on the registration of a vehicle that
39 it filed with the department in connection with a parking citation
40 if the processing agency is awarded a civil judgment for the



1 citation pursuant to subdivision (b) or (c) of Section 40220, or if
2 the processing agency has granted a review of the issuance of the
3 citation pursuant to ~~Section 40200.7~~ or Section 40215.
4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

