

Introduced by Senator Padilla

February 18, 2011

An act to amend Section 1808.23 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 859, as introduced, Padilla. Vehicles: records: confidentiality.

(1) Existing law requires the residence address in a record of the Department of Motor Vehicles to be kept confidential, with specified exceptions. One exception applies to a vehicle manufacturer licensed to do business in this state if the manufacturer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of safety, warranty, or product recall if the manufacturer offers to make and makes any changes at no cost to the vehicle owner. Another exception applies to a dealer licensed to do business in this state if the dealer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of completing registration transactions and documents. A violation of the Vehicle Code is a crime.

This bill would add an exception for an electrical corporation, as defined, or a local publicly owned electric utility, if the utility, or its agent, under penalty of perjury, requests and uses the information only for the purposes of tracking electric vehicle charging points. By creating a new crime, the bill would impose a state-mandated local program.

(2) 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 1808.23 of the Vehicle Code is amended
2 to read:
3 1808.23. (a) Section 1808.21 does not apply to *a any of the*
4 *following:*
5 (1) A vehicle manufacturer licensed to do business in this state
6 if the manufacturer, or its agent, under penalty of perjury, requests
7 and uses the information only for the purpose of safety, warranty,
8 including a warranty issued in compliance with Section 1795.92
9 of the Civil Code, emission, or product recall if the manufacturer
10 offers to make and makes any changes at no cost to the vehicle
11 owner.
12 ~~(b) Section 1808.21 does not apply to a~~
13 (2) A dealer licensed to do business in this state if the dealer, or
14 its agent, under penalty of perjury, requests and uses the
15 information only for the purpose of completing registration
16 transactions and documents.
17 ~~(c) Section 1808.21 does not apply to a~~
18 (3) A person who, under penalty of perjury, requests and uses
19 the information as permitted under subdivision (h) of Section
20 1798.24 of the Civil Code, if the request specifies that no persons
21 will be contacted by mail or otherwise at the address included with
22 the information released. The information released by the
23 department under this subdivision shall not be in a form that
24 identifies any person.
25 (4) *An electrical corporation as defined in Section 218 of the*
26 *Public Utilities Code or a local publicly owned electric utility as*
27 *defined in Section 224.3 of the Public Utilities Code, if the utility,*
28 *or its agent, under penalty of perjury, requests and uses the*
29 *information only for the purposes of tracking electric vehicle*
30 *charging points.*
31 ~~(d)~~
32 (b) Residential addresses released shall not be used for direct
33 marketing or solicitation for the purchase of any consumer product
34 or service.

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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