

AMENDED IN SENATE APRIL 24, 2000

SENATE BILL

No. 2072

Introduced by Senator Speier

February 25, 2000

An act to amend Section 1798.61 of the Civil Code, *and to amend Section 1808.21 of the Vehicle Code*, relating to information practices.

LEGISLATIVE COUNSEL'S DIGEST

SB 2072, as amended, Speier. Information practices: names and addresses: ~~distribution, sales, or rental~~ *Department of Motor Vehicle's records.*

The

(1) *The Information Practices Act* prohibits the distribution of an individual's name and address for commercial purposes, sale, or rental by a state agency, unless specifically authorized by law. The act does not prohibit the release of only names and addresses of persons possessing licenses to engage in professional occupations or of persons who are registered with, or are holding licenses or permits issued by, the State Board of Equalization.

This bill would prohibit the distribution for commercial purposes, sale, or rental in bulk of a list of the names and addresses of 3 or more individuals who possess or who have applied for any license or registration in any of the professions and vocations regulated by the Department of Consumer Affairs or any board, bureau, or commission under the jurisdiction of that department; *or* by the Department of Real

Estate, or by the State Board of Equalization, except as specified.

(2) Under existing law, any registration or driver’s license record of a person may be suppressed from any other person, except as specified, if the person requesting the suppression submits verification acceptable to the Department of Motor Vehicle that he or she has reasonable cause to believe that he or she is the subject of stalking, or that there exists a threat of death or great bodily injury to his or her person involving domestic violence.

Under existing law, “verification acceptable to the department” is defined to mean a recent police report, court documentation, or other documentation from a law enforcement agency.

This bill would recast the definition of “verification acceptable to the department” to specify that the term means a letter signed by the person detailing the circumstances that present reasonable cause to believe that the person is a person described above and may include, but is not required to include, the above described documentation as supporting documents.

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

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

1 SECTION 1. Section 1798.61 of the Civil Code is
2 amended to read:

3 1798.61. (a) Nothing in this chapter shall prohibit the
4 release of only names and addresses of either of the
5 following:

6 (1) Persons possessing licenses to engage in
7 professional occupations.

8 (2) Persons applying for licenses to engage in
9 professional occupations for the sole purpose of providing
10 those persons with informational materials relating to
11 available professional educational materials or courses.

12 (b) Notwithstanding subdivision (a) or any other
13 provision of law, the distribution for commercial
14 purposes, sale, or rental in bulk of a list of the names and



1 addresses of three or more individuals who possess or who
2 have applied for any license or registration in any of the
3 professions and vocations regulated by the Department
4 of Consumer Affairs or any board, bureau, or commission
5 under the jurisdiction of that department; *or* by the
6 Department of Real Estate, ~~or, except as provided in~~
7 ~~subdivision (c), by the State Board of Equalization, is~~
8 ~~prohibited.~~

9 ~~(c) The names and addresses of individuals who are~~
10 ~~registered with, or are holding licenses or permits issued~~
11 ~~by, the State Board of Equalization may only be disclosed~~
12 ~~as necessary to verify resale certificates or to administer~~
13 ~~the tax and fee provisions of the Revenue and Taxation~~
14 ~~Code.~~

15 *SEC. 2. Section 1808.21 of the Vehicle Code is*
16 *amended to read:*

17 1808.21. (a) Any residence address in any record of
18 the department is confidential and shall not be disclosed
19 to any person, except a court, law enforcement agency,
20 or other government agency, or as authorized in Section
21 1808.22 or 1808.23.

22 (b) Release of any mailing address or part thereof in
23 any record of the department may be restricted to a
24 release for purposes related to the reasons for which the
25 information was collected, including, but not limited to,
26 the assessment of driver risk, or ownership of vehicles or
27 vessels. This restriction does not apply to a release to a
28 court, a law enforcement agency, or other governmental
29 agency, or a person who has been issued a requester code
30 pursuant to Section 1810.2.

31 (c) Any person providing the department with a
32 mailing address shall declare, under penalty of perjury,
33 that the mailing address is a valid, existing, and accurate
34 mailing address and shall consent to receive service of
35 process pursuant to subdivision (b) of Section 415.20,
36 subdivision (a) of Section 415.30, and Section 416.90 of the
37 Code of Civil Procedure at the mailing address.

38 (d) (1) Any registration or driver's license record of
39 a person may be suppressed from any other person,
40 except those persons specified in subdivision (a), if the



1 person requesting the suppression submits verification
2 acceptable to the department that he or she has
3 reasonable cause to believe either of the following:

4 (A) That he or she is the subject of stalking, as specified
5 in Section 1708.7 of the Civil Code or Section 646.9 of the
6 Penal Code.

7 (B) That there exists a threat of death or great bodily
8 injury to his or her person, as defined in subdivision (d)
9 of Section 12022.7 of the Penal Code.

10 (2) Upon suppression of a record, each request for
11 information about that record shall be authorized by the
12 subject of the record or verified as legitimate by other
13 investigative means by the department before the
14 information is released.

15 (e) Suppression of a record pursuant to subdivision
16 (d) shall occur for one year after approval by the
17 department. Not less than 60 days prior to the date the
18 suppression of the record would otherwise expire, the
19 department shall notify the subject of the record of its
20 impending expiration. The suppression may be
21 continued for a period determined by the department if
22 the person submits verification acceptable to the
23 department that he or she continues to have reasonable
24 cause to believe that he or she is the subject of stalking.
25 The notification shall instruct the person of the method
26 to reapply for record suppression.

27 For the purposes of subdivisions (d) and (e),
28 “verification acceptable to the department” ~~means~~ *is a*
29 *letter signed by the person detailing the circumstances*
30 *that present reasonable cause to believe that the person*
31 *is a person described in paragraph (1) of subdivision (d)*
32 *and may include, but is not required to include,*
33 *supporting recent police reports, court documentation,*
34 *or other documentation from a law enforcement agency.*

