

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 635

By: Senator Files
By: Representative Hickerson

For An Act To Be Entitled

AN ACT CONCERNING AUTHORIZATION FOR RELEASE OF A MOTOR VEHICLE RECORD; TO HOLD THE DEPARTMENT OF FINANCE AND ADMINISTRATION HARMLESS FOR THE RELEASE OF A MOTOR VEHICLE RECORD CONTRARY TO STATE OR FEDERAL LAW; TO INDEMNIFY THE STATE OF ARKANSAS FOR DAMAGES THAT ARISE FROM AN UNAUTHORIZED RELEASE OF A MOTOR VEHICLE RECORD; TO PROVIDE A FEE FOR THE PROVISION OF AN ELECTRONIC RECORD; TO DIRECT THAT THE FEE COLLECTED FOR AN ELECTRONIC RECORD AND A CERTIFIED DOCUMENT BE DIRECTED TO THE STATE CENTRAL SERVICES FUND FOR THE BENEFIT OF THE REVENUE DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING AUTHORIZATION FOR THE RELEASE OF MOTOR VEHICLE RECORD INFORMATION BY THE OFFICE OF MOTOR VEHICLE; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-14-412, concerning records of the Office of Motor Vehicle, is amended to read as follows:

(a)(1) All records of the Office of Motor Vehicle, other than those



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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED: 03/20/2015