

## HOUSE BILL No. 2179

By Committee on Transportation

2-7

---

1 AN ACT concerning the division of motor vehicles; relating to the  
2 disclosure of records; adopting the driver's privacy protection act;  
3 amending K.S.A. 74-2012 and repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 74-2012 is hereby amended to read as follows: 74-  
7 2012. (a) (1) All motor vehicle records shall be subject to the provisions of  
8 the open records act, except as otherwise provided under the provisions of  
9 this section and by K.S.A. 65-2422d and 74-2022, and amendments  
10 thereto.

11 (2) Nothing in this section shall prevent the transmittal of motor  
12 vehicle records for the purpose of processing voter registration  
13 applications.

14 (3) For the purpose of this section, "motor vehicle records" means  
15 any record that pertains to a motor vehicle drivers' license, motor vehicle  
16 certificate of title, motor vehicle registration or identification card issued  
17 by the division of vehicles.

18 (b) All motor vehicle records which relate to the physical or mental  
19 condition of any person, have been expunged or are photographs or digital  
20 images maintained in connection with the issuance of drivers' licenses  
21 shall be confidential and shall not be disclosed except in accordance with a  
22 proper judicial order or as otherwise more specifically provided in this  
23 section or by other law. Photographs or digital images maintained by the  
24 division of vehicles in connection with the issuance of drivers' licenses  
25 may be disclosed to any federal, state or local agency, including any court  
26 or law enforcement agency, to assist such agency in carrying out the  
27 functions required of such governmental agency. In January of each year  
28 the division shall report to the house committee on veterans, military and  
29 homeland security regarding the utilization of the provisions of this  
30 subsection. Motor vehicle records relating to diversion agreements for the  
31 purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments  
32 thereto, shall be confidential and shall not be disclosed except in  
33 accordance with a proper judicial order or by direct computer access to:

34 (1) A city, county or district attorney, for the purpose of determining a  
35 person's eligibility for diversion or to determine the proper charge for a  
36 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any

1 ordinance of a city or resolution of a county in this state which prohibits  
2 any acts prohibited by those statutes;

3 (2) a municipal or district court, for the purpose of using the record in  
4 connection with any matter before the court;

5 (3) a law enforcement agency, for the purpose of supplying the record  
6 to a person authorized to obtain it under paragraph (1) or (2); or

7 (4) an employer when a person is required to retain a commercial  
8 driver's license due to the nature of such person's employment.

9 (c) Lists of persons' names and addresses contained in or derived  
10 from motor vehicle records shall not be sold, given or received for the  
11 purposes prohibited by K.S.A. 2018 Supp. 45-230, and amendments  
12 thereto, except that:

13 (1) The director of vehicles may provide to a requesting party, and a  
14 requesting party may receive, such a list and accompanying information  
15 from motor vehicle records upon written certification that the requesting  
16 party shall use the list solely for the purpose of:

17 ~~(A) Assisting manufacturers of motor vehicles in compiling statistical~~  
18 ~~reports or in notifying owners of vehicles believed to:~~

19 ~~(i) Have safety-related defects;~~

20 ~~(ii) fail to comply with emission standards; or~~

21 ~~(iii) have any defect to be remedied at the expense of the~~  
22 ~~manufacturer;~~

23 ~~(B) assisting an insurer authorized to do business in this state, or the~~  
24 ~~insurer's authorized agent:~~

25 ~~(i) In processing an application for, or renewal or cancellation of, a~~  
26 ~~motor vehicle liability insurance policy; or~~

27 ~~(ii) in conducting antifraud activities by identifying potential~~  
28 ~~undisclosed drivers of a motor vehicle currently insured by an insurer~~  
29 ~~licensed to do business in this state by providing only the following~~  
30 ~~information: Drivers' license number, license type, date of birth, name,~~  
31 ~~address, issue date and expiration date;~~

32 ~~(C) assisting the selective service system in the maintenance of a list~~  
33 ~~of persons 18 to 26 years of age in this state as required under the~~  
34 ~~provisions of section 3 of the federal military selective service act;~~

35 ~~(D) assisting any federal, state or local agency, including any court or~~  
36 ~~law enforcement agency, or any private person acting on behalf of such~~  
37 ~~agencies in carrying out the functions required of such governmental~~  
38 ~~agency, except that such records shall not be redisclosed;~~

39 ~~(E)~~(B) assisting businesses with the verification or reporting of  
40 information derived from the title and registration records of the division  
41 to prepare and assemble vehicle history reports, except that such vehicle  
42 history reports shall not include the names or addresses of any current or  
43 previous owners;

1 ~~(F) assisting businesses in producing motor vehicle title or motor~~  
2 ~~vehicle registration, or both, statistical reports, so long as personal~~  
3 ~~information is not published, redisclosed or used to contact individuals;~~

4 ~~(G)(C) assisting an employer or an employer's authorized agent in~~  
5 ~~monitoring the driving record of the employees required to drive in the~~  
6 ~~course of employment to ensure driver behavior, performance or safety; or~~

7 ~~(H)(D) assisting the Kansas commission on veterans affairs office in~~  
8 ~~notifying veterans of the facilities, benefits and services available to~~  
9 ~~veterans; or~~

10 *(E) any other purpose authorized by the driver's privacy protection*  
11 *act, 18 U.S.C. § 2721, as it existed on January 1, 2018.*

12 (2) Any law enforcement agency of this state which has access to  
13 motor vehicle records may furnish to a requesting party, and a requesting  
14 party may receive, such a list and accompanying information from such  
15 records upon written certification that the requesting party shall use the list  
16 solely for the purpose of assisting an insurer authorized to do business in  
17 this state, or the insurer's authorized agent, in processing an application  
18 for, or renewal or cancellation of, a motor vehicle liability insurance  
19 policy.

20 (d) If a law enforcement agency of this state furnishes information to  
21 a requesting party pursuant to subsection (c)(2), the law enforcement  
22 agency shall charge the fee prescribed by the secretary of revenue pursuant  
23 to K.S.A. 74-2022, and amendments thereto, for any copies furnished and  
24 may charge an additional fee to be retained by the law enforcement agency  
25 to cover its cost of providing such copies. The fee prescribed pursuant to  
26 K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the  
27 secretary of revenue and upon receipt thereof shall be deposited in the  
28 state treasury to the credit of the electronic databases fee fund, except for  
29 the \$1 of the fee for each record required to be credited to the highway  
30 patrol training center fund under subsection (f).

31 (e) The secretary of revenue, the secretary's agents or employees, the  
32 director of vehicles or the director's agents or employees shall not be liable  
33 for damages caused by any negligent or wrongful act or omission of a law  
34 enforcement agency in furnishing any information obtained from motor  
35 vehicle records.

36 (f) A fee in an amount fixed by the secretary of revenue pursuant to  
37 K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full  
38 or partial motor vehicle record shall be charged by the division, except that  
39 the director may charge a lesser fee pursuant to a contract between the  
40 secretary of revenue and any person to whom the director is authorized to  
41 furnish information under subsection (c)(1), and such fee shall not be less  
42 than the cost of production or reproduction of any full or partial motor  
43 vehicle record requested. ~~Except for the fees charged pursuant to a contract~~

1 ~~for motor vehicle records authorized by this subsection pertaining to motor~~  
2 ~~vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)~~  
3 ~~(B)(ii) or (c)(1)(D), \$1 shall be credited to the highway patrol training~~  
4 ~~center fund for each motor vehicle record provided by the division of~~  
5 ~~vehicles. One dollar shall be credited to the highway patrol training~~  
6 ~~center fund for each motor vehicle record provided by the division of~~  
7 ~~vehicles, except for fees charged:~~

8 *(1) Pursuant to a contract for motor vehicle records authorized by*  
9 *this subsection pertaining to motor vehicle titles or motor vehicle*  
10 *registrations; or*

11 *(2) for motor vehicle records authorized for disclosure pursuant to*  
12 *subsection (c)(1)(E) for the purposes of:*

13 *(A) Assisting an insurer authorized to do business in this state, or the*  
14 *insurer's authorized agent, in conducting antifraud activities; or*

15 *(B) assisting any federal, state or local agency, including any court*  
16 *or law enforcement agency, or any private person acting on behalf of such*  
17 *agencies, in carrying out the functions required of such governmental*  
18 *agency.*

19 *(g) The secretary of revenue may adopt such rules and regulations as*  
20 *are necessary to implement the provisions of this section.*

21 *Sec. 2. K.S.A. 74-2012 is hereby repealed.*

22 *Sec. 3. This act shall take effect and be in force from and after its*  
23 *publication in the statute book.*