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Motor Vehicle Records and Privacy

Chapter 7

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Wyoming Department of Transportation
Motor Vehicle Records

CHAPTER 7

Section 1. **Authority and Purpose.**

These rules of practice and procedure are promulgated by authority of W.S. 16-4-202(a) to implement the Federal Driver's Privacy Protection Act (or DPPA) (Title 18 USC Chapter 2721, *et seq.*), as amended and affirmed by the United States Supreme Court in 2000 in *Reno vs. Condon*, to protect the interest of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle records, except as authorized by such individuals or by law.

Section 2. **Definitions.**

(a) "Department" means the Wyoming Department of Transportation.

(b) "Expressed consent" means consent in writing, including consent conveyed electronically that bears an electronic signature.

(c) "Highly restricted personal information" means an individual's photograph or image, social security number, or medical or disability information.

(d) "Motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department.

(e) "Person" means an individual, organization, or entity, but does not include this state or an agency thereof.

(f) "Personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address, telephone number, or medical or disability information, but does not include information on vehicular accidents, driving violations, or driver's status.

(g) "Subject" means an individual or legal entity about whom personal information is maintained in an information system.

Section 3. Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records.

(a) Despite any other provisions of state law to the contrary, except as provided in Sections 4 through 6 of this rules chapter, neither the Department nor any of its officers, employees, agents, or contractors shall release personal information about any person obtained by the Department in connection with a motor vehicle record.

(b) Despite any other provisions of this law, under no circumstances shall highly restricted personal information about any individual obtained by the Department in connection with a motor vehicle record be released, except for purposes permitted by Section 5, Subsections (a), (d), (f), and (i). This prohibition shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the state.

Section 4. Required Disclosures.

Personal information referred to in Section 3 of this rules chapter shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of Titles I and IV of the Anti-car Theft Act of 1992; the Automobile Information Disclosure Act, (15 USC 11231, *et seq.*); the Clean Air Act, (42 USC 7401, *et seq.*) as amended; and Chapters 301, 305, and 321-331 of Title 49 (49 USC 30101, *et seq.*; 32101, *et seq.*; and 33101, *et seq.*); and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, the said acts of Congress.

Section 5. Permitted Disclosures.

Personal information referred to in Section 3 of this rules chapter, subject to the exception in Section 3(b), may be disclosed to any person by the Department, its officers, employees, or contractors, on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information shall be strictly limited to one or more of the following described purposes:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories;

performance monitoring of motor vehicles, motor vehicle parts, or dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from original owner records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(i) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors and

(ii) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court.

(e) For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer; insurance support organization; or self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles.

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section.

(i) For use by an employer or its agent or insurer to obtain or verify information required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC App. 2710, *et seq.*) relating to a holder of a commercial driver's license.

(j) For use in connection with the operation of private toll transportation facilities.

(k) For bulk distribution for surveys, marketing, or solicitations if the Department has obtained the express consent of the person to whom such personal information pertains.

(l) For any other use that is specifically authorized by law and related to the operation of a motor vehicle or public safety.

Section 6. Disclosure of Individual Records.

Personal information referred to in Section 3 of this rules chapter that is contained in an individual record may be disclosed to any requesting person, without regard to intended use, if the Department has obtained the express consent of the person to whom such personal information pertains.

Section 7. Additional Conditions.

In addition to provisions for payment of applicable fees, the Department may, before releasing personal information as permitted under Sections 4 to 6 of this rules chapter, require requesting persons to identify themselves and certify that the use of the released information shall be used only as authorized, or that the express consent of the person who is the subject of the information has been obtained. Such conditions may include, but need not be limited to, making and filing a written application in such form and containing such information and certification requirements as the Department may prescribe.

Section 8. Resale or Redisclosure.

(a) An authorized recipient of personal information, except a recipient under Subsection (k) of Section 5 or under Section 6 of this rules chapter, may resell or redisclose the information for any use permitted under Section 5.

(b) An authorized recipient of personal information under Section 6 may resell or redisclose personal information for any purpose.

(c) An authorized recipient of personal information for bulk distribution for surveys, marketing, or solicitations under Subsection (k) of Section 5 may resell or redisclose personal information only in accordance with the terms of Subsection (k).

(d) Any authorized recipient (except a recipient of an individual record or records under Section 6) who resells or rediscloses personal information shall be required by the Department to

(i) Maintain for not less than 5 years records identifying each person or entity that receives information and the permitted use for which the information will be used and

(ii) To make such records available upon request for inspection by the

Department.

Section 9. **Fees.**

(a) The Department shall collect the following fees when filling requests for motor vehicle registration or title records:

(i) For the entire title and registration file: \$3,500. For a partial title and registration file: \$1,750. **All requests shall meet the requirements of Section 3 through 8 of this rules chapter.**

(ii) For each individual record supplied in written format: \$5. **All requests shall meet the requirements of Sections 3 through 8 of this rules chapter.**

(iii) Additional fees shall be assessed for any requests requiring programming changes or additions.

(iv) The Department shall charge contractor cost plus \$750 for each request for records maintained pursuant to International Registration Program (IRP), International Fuel Tax Administrators (IFTA), or special fuel tax provisions. **All requests shall meet the requirements of Sections 3 through 8 of this rules chapter.**

(b) The Department shall collect the following fees when filling requests for driver's license records.

(i) Any person who meets the requirements for permitted disclosures under Section 5 shall pay a minimum fee of \$2,500 for the entire driver data file. A partial file shall cost a minimum of \$1,250.

(ii) The fee for permitted disclosures under Section 5(k) and disclosure of individual records under Section 6 of this rules chapter shall be \$2,500.

(iii) The fee for special job runs for government agencies shall be a minimum of \$500.

(iv) Additional fees shall be assessed as needed for programming costs.