

HOUSE BILL No. 2747

By Committee on Transportation

2-6

9 AN ACT relating to the records of the division of vehicles; amending
10 K.S.A. 2003 Supp. 74-2012 and repealing the existing section.

11

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

13 Section 1. K.S.A. 2003 Supp. 74-2012 is hereby amended to read as
14 follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the
15 provisions of the open records act, except as otherwise provided under
16 the provisions of this section and by K.S.A. 74-2022, and amendments
17 thereto.

18 (2) For the purpose of this section, “motor vehicle records” means
19 any record that pertains to a motor vehicle drivers license, motor vehicle
20 certificate of title, motor vehicle registration or identification card issued
21 by the division of vehicles.

22 (b) All motor vehicle records which: (1) Relate to the physical or
23 mental condition of any person; (2) have been expunged; or (3) are pho-
24 tographs or digital images maintained in connection with the issuance of
25 drivers’ licenses shall be confidential and shall not be disclosed except in
26 accordance with a proper judicial order or as otherwise more specifically
27 provided in this section or by other law. Photographs or digital images
28 maintained by the division of vehicles in connection with the issuance of
29 drivers’ licenses shall be available to criminal justice agencies, as defined
30 in K.S.A. 22-4701, and amendments thereto, for use in criminal investi-
31 gations or criminal proceedings. Motor vehicle records relating to diver-
32 sion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908,
33 and amendments thereto, shall be confidential and shall not be disclosed
34 except in accordance with a proper judicial order or by direct computer
35 access to:

36 (1) A city, county or district attorney, for the purpose of determining
37 a person’s eligibility for diversion or to determine the proper charge for
38 a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance
39 of a city or resolution of a county in this state which prohibits any acts
40 prohibited by K.S.A. 8-1567, and amendments thereto;

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

43 (3) a law enforcement agency, for the purpose of supplying the rec-

1 ord to a person authorized to obtain it under paragraph (1) or (2) of this
2 subsection; or

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

5 (c) Lists of persons' names and addresses contained in or derived
6 from motor vehicle records shall not be sold, given or received for the
7 purposes prohibited by K.S.A. 2003 Supp. 45-230, and amendments
8 thereto, except that:

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

13 (A) Assisting manufacturers of motor vehicles in compiling statistical
14 reports or in notifying owners of vehicles believed to:

15 (i) Have safety-related defects,

16 (ii) fail to comply with emission standards; or

17 (iii) have any defect to be remedied at the expense of the
18 manufacturer;

19 (B) assisting an insurer authorized to do business in this state, or the
20 insurer's authorized agent, in processing an application for, or renewal or
21 cancellation of, a motor vehicle liability insurance policy;

22 (C) assisting the selective service system in the maintenance of a list
23 of persons 18 to 26 years of age in this state as required under the pro-
24 visions of section 3 of the federal military selective service act;

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

29 (E) assisting businesses with the verification or reporting of infor-
30 mation derived from the title and registration records of the division to
31 prepare and assemble vehicle history reports, except that such vehicle
32 history reports shall not include the names or addresses of any current or
33 previous owners; *or*

34 (F) *assisting an employer or the employer's authorized agent, in ver-*
35 *ifying and monitoring employee motor vehicle records.*

36 (2) Any law enforcement agency of this state which has access to
37 motor vehicle records may furnish to a requesting party, and a requesting
38 party may receive, such a list and accompanying information from such
39 records upon written certification that the requesting party shall use the
40 list solely for the purpose of assisting an insurer authorized to do business
41 in this state, or the insurer's authorized agent, in processing an application
42 for, or renewal or cancellation of, a motor vehicle liability insurance
43 policy.

1 (d) If a law enforcement agency of this state furnishes information
2 to a requesting party pursuant to paragraph (2) of subsection (c), the law
3 enforcement agency shall charge the fee prescribed by the secretary of
4 revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any
5 copies furnished and may charge an additional fee to be retained by the
6 law enforcement agency to cover its cost of providing such copies. The
7 fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto,
8 shall be paid monthly to the secretary of revenue and upon receipt thereof
9 shall be deposited in the state treasury to the credit of the electronic
10 databases fee fund, except for the \$1 of the fee for each record required
11 to be credited to the highway patrol training center fund under subsection
12 (f).

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

18 (f) A fee in an amount fixed by the secretary of revenue pursuant to
19 K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each
20 full or partial motor vehicle record shall be charged by the division, except
21 that the director may charge a lesser fee pursuant to a contract between
22 the secretary of revenue and any person to whom the director is author-
23 ized to furnish information under paragraph (1) of subsection (c), and
24 such fee shall not be less than the cost of production or reproduction of
25 any full or partial motor vehicle record requested. Except for the fees
26 charged pursuant to a contract for motor vehicle records authorized by
27 this subsection pertaining to motor vehicle titles or motor vehicle regis-
28 trations or pursuant to subsection (c)(1)(D), \$1 shall be credited to the
29 highway patrol training center fund for each motor vehicle record pro-
30 vided by the division of vehicles.

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

33 Sec. 2. K.S.A. 2003 Supp. 74-2012 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the statute book.