

601 KAR 2:020. Drivers' privacy protection.

RELATES TO: KRS 61.874, 61.878(5), 186.018, 187.310, 411.402, 411.406, 15 U.S.C. 1231-1233, 18 U.S.C. 2721, 42 U.S.C. 7401-7459, 49 U.S.C. 31301-31317

STATUTORY AUTHORITY: KRS 187.300(1), 187.310(1), 18 U.S.C. 2721

NECESSITY, FUNCTION, AND CONFORMITY: KRS 187.300(1) authorizes the cabinet to promulgate administrative regulations to implement KRS Chapter 187. KRS 187.310(1) requires the cabinet to furnish, upon request, an abstract of the operating record of a person subject to KRS 187.290 to 187.620. 18 U.S.C. 2721 authorizes the information that shall and shall not be included in information sold or otherwise distributed about a motor vehicle operator or owner. This administrative regulation establishes the circumstances and conditions governing the distribution or sale of motor vehicle operator or owner personal information.

Section 1. Definition. "Personal information" means information that identifies an individual including the following:

- (1) Name;
- (2) Address, excluding the zip code;
- (3) Social Security number;
- (4) Date of birth;
- (5) Driver identification number;
- (6) Telephone number;
- (7) Photograph; and
- (8) Medical or disability information.

Section 2. (1) In the Driver Licensing Computer Information System, the following shall not be considered personal information:

- (a) Driver status; and
- (b) Violation or conviction of a traffic law.

(2) The information included in the Driver Licensing Computer System shall not be distributed or sold except as established in KRS 187.310.

Section 3. Required Disclosures. (1) Personal information referred to in Section 1 or 2 of this administrative regulation shall be disclosed in accordance with subsection (2) of this section for use in connection with:

- (a) Matters of motor vehicle or driver safety and theft;
- (b) Motor vehicle emissions;
- (c) Motor vehicle product alterations, recalls, or advisories;
- (d) Performance monitoring of motor vehicles or dealers by motor vehicle manufacturers; or
- (e) Removal of nonowner records from the original owner records of motor vehicle manufacturers.

ers.

(2) The disclosure of personal information shall be to carry out the provisions of the:

- (a) Federal Automobile Information Disclosure Act, 15 U.S.C. 1231-1233; or
- (b) Clean Air Act, 42 U.S.C. 7401-7459.

Section 4. Personal information in the Driver Licensing Computer Information System or the Automated Vehicle Information System including a computerized image, Social Security number, medical or disability information from a motor vehicle record, motor vehicle registration, or personal information relating to the owner of a boat, shall not be released except for the following reasons:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions by submission of a notarized Transportation Cabinet form TC 96-16G, Request for Motor Vehicle or Boat Record that Includes Personal Information to be Completed by a Governmental Agency;

(2) For use in connection with matters relating to the following:

(a) Motor vehicle or driver safety;

(b) Motor vehicle theft;

(c) Motor vehicle product alterations, recalls, or advisories;

(d) Performance monitoring of motor vehicles, motor vehicle parts, or dealers;

(e) Removal of nonowner records from the original owner records of motor vehicle manufacturers; or

(f) Theft of motor fuel as established in KRS 411.402, 411.406, and 601 KAR 1:220.

(3) For use in the normal course of business by a legitimate business or its agent, employee, or contractor, but only:

(a) To verify the accuracy of personal information submitted by the individual to the business or its agent, employee, or contractor; or

(b) If the submitted information is not correct or is no longer correct, to obtain the correct information, in order to prevent fraud by pursuing legal remedies against or recovering on a debt or security interest against the individual;

(4) For use in connection with a civil, criminal, administrative, or arbitral proceeding in a federal, state, or local court or agency or before a self-regulatory body, including the service of process; investigation in anticipation of litigation; or and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court;

(5) If the personal information is not published, redisclosed, or used to contact an individual, for use in:

(a) Research activities; or

(b) Producing statistical reports;

(6) For use by an insurer or insurance support organization or by a self-insured entity or its agent, employee, or contractor, in connection with claims investigation activities, antifraud activities, rating, or underwriting;

(7) For use in providing notice to the owner of a towed or impounded vehicle by submission of a notarized Transportation Cabinet form TC 96-16T, Request by Towing and Storage Companies and Creditors in Possession for Motor Vehicle or Board Records that include Personal Information;

(8) For use by a licensed investigative agency or licensed security service for a purpose permitted under this section;

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 through 31317; or

(10) For use in connection with operation of a private toll transportation facility.

Section 5. Disclosure with Consent. Personal information referred to in Sections 1 and 4 of this administrative regulation shall be disclosed to a requestor that provides a notarized written statement of consent from the person whose information is requested.

Section 6. A person wishing pursuant to Section 4 of this administrative regulation to obtain a record for a commercial purpose that includes personal information, shall submit one (1) of the following forms or its preapproved electronic equivalent and three (3) dollars for each requested

record:

- (1) If the record is in the Driver Licensing Computer Information System, Transportation Cabinet form TC 94-1E, Request for Driver Licensing Record that Includes Personal Information; or
- (2) If the record is in the Automated Vehicle Information System, Transportation Cabinet form TC 96-16A, Request for Motor Vehicle or Boat Record that Includes Personal Information.

Section 7. Retention of Records. A form completed pursuant to Section 6 of this administrative regulation shall be retained by the agency or office providing the record containing personal information for a minimum of two (2) years.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Request for Driver Licensing Record that Includes Personal Information", TC Form 94-1E, January 2010;
- (b) "Request for Motor Vehicle or Boat Record that Includes Personal Information", TC Form 96-16A, April 2010;
- (c) "Request by Towing and Storage Companies and Creditors in Possession for Motor Vehicle or Boat Records that Include Personal Information", TC 96-16T, March 2010; and
- (d) "Request for Motor Vehicle or Boat Record that Includes Personal Information to be Completed by a Governmental Agency", TC 96-16G, March 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Building, Department of Vehicle Registration, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30p.m. (24 Ky.R. 2784; 25 Ky.R. 352; 565; eff. 9-1-1998; 26 Ky.R. 2313; 27 Ky.R. 493; eff. 8-14-2000; 36 Ky.R. 2388; 37 Ky.R. 357; eff. 8-10-2010; Crt eff. 10-8-2018; Crt eff. 2-25-2019.)