



County Technical Assistance Service

Published on e-Li (<http://eli.ctas.tennessee.edu>)

November 14, 2019

Uniform Motor Vehicle Records Disclosure Act

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Uniform Motor Vehicle Records Disclosure Act

Reference Number: CTAS-675

Personal information obtained in connection with motor vehicle records is declared confidential and cannot be disclosed except under specified circumstances. "Personal information" is defined as information that identifies a person, and includes an individual's photograph, computerized image, social security number, driver identification number, name, address (but not the five-digit zip code), telephone number, and medical or disability information, but it does not include information on vehicular accidents, driving or equipment-related violations, or driver license or registration status. T.C.A. § 55-25-103. Personal information may be disclosed only under the following circumstances:

1. For safety, environmental and federal compliance purposes, as provided in T.C.A. § 55-25-105.
2. With the written consent of the person who is the subject of the information. T.C.A. § 55-25-106.
3. For use by a government agency, including any court or law enforcement agency, in carrying out its functions, or any private person acting on behalf of a government agency in carrying out its functions. T.C.A. § 55-25-107.
4. 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, parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers. T.C.A. § 55-25-107.
5. For use in the normal course of business by a legitimate business, but only to verify the accuracy of personal information submitted by an individual to the business, and if the information 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. T.C.A. § 55-25-107.
6. 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 service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to a court order. T.C.A. § 55-25-107.
7. For use in research activities, and for use in producing statistical reports, so long as the information is not published, redisclosed or used to contact individuals. T.C.A. § 55-25-107.
8. For use by any insurer or insurance support organization, or by a self-insured entity, its agents, employees or contractors, in connection with claims investigation activities, anti-fraud activities, rating or underwriting. T.C.A. § 55-25-107.
9. For use in providing notice to owners of towed or impounded vehicles. T.C.A. § 55-25-107.
10. For use by any private investigative agency or licensed security service for any permitted purpose. T.C.A. § 55-25-107.
11. For use by any employer or its agent or insurer to obtain or verify information relating to the holder of a commercial driver license that is required under the Commercial Motor Vehicle Safety Act of 1986. T.C.A. § 55-25-107.
12. In connection with the operation of private toll transportation facilities. T.C.A. § 55-25-107.
13. For any other use in response to requests for individual motor vehicle records if the state has obtained the express consent of the person to whom the personal information pertains. T.C.A. § 55-25-107.
14. For bulk distribution for surveys, marketing or solicitation in accordance with procedures adopted by the department, after persons have been given an opportunity to prohibit such disclosure. T.C.A. § 55-25-107.
15. By any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains. T.C.A. § 55-25-107.
16. For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety. T.C.A. § 55-25-107.

Personal information may be disclosed to any requesting person, regardless of intended use, if the forms for issuance or renewal of licenses, registrations, titles or identification documents contain a conspicuous notice that the personal information may be disclosed to any person making a request for the information, and provide in a clear and conspicuous manner a method for the applicant to prohibit such disclosure. T.C.A. § 55-25-106. Thus, as long as the forms contain the proper disclosure information, it will be the applicant's responsibility to take action to prohibit disclosure of his or her personal information. Otherwise, the information may be disclosed.

The Department of Safety is authorized to require the requesting person to meet certain conditions relative to the identity of the person, and if relevant, the authorized use of the information, or the consent of the subject. The conditions may include the filing of a written application containing such information and certification requirements as the department may prescribe. T.C.A. § 55-25-109. Anyone who misrepresents his or her identity or makes a false statement in connection with the request for disclosure of personal information is guilty of a Class C misdemeanor, punishable by a fine up to \$1,000. T.C.A. § 55-25-112.

Persons who obtain personal information are limited in their ability to resell or redisclose that information as provided in T.C.A. § 55-25-107, and are required to keep records of the information obtained and the permitted use for which it was obtained for a period of five years. These requirements do not apply, however, if the person who is the subject of the disclosure has not taken action to prohibit disclosure after having been given the opportunity to do so. T.C.A. § 55-25-107.

The department and the county clerk are authorized to charge a reasonable fee not over one dollar (\$1.00) for each person on whom information is requested. T.C.A. § 55-2-106.

Source URL: <http://eli.ctas.tennessee.edu/reference/uniform-motor-vehicle-records-disclosure-act>

