S T A T E O F N E W Y O R K

6670

I N S E N A T E

February 3, 2016

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to registration information

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 4 of section 202 of the vehicle and traffic law, as amended by chapter 293 of the laws of 1989, is amended to read as follows:

(b) The commissioner shall notify each vehicle registrant that the PERSONAL INFORMATION CONTAINED WITHIN registration information specified in paragraph (a) of this subdivision has been or will be furnished to the contracting party. The commissioner shall inform each vehicle registrant when such registrant first makes application for a vehicle registration or when such registrant applies to renew an existing vehicle registration how to achieve the deletion of such information from the contracting party's file. The contract between the commissioner and the contracting party shall provide that, upon the request of the registrant made in such manner and in such form as shall be prescribed by the commissioner, such PERSONAL INFORMATION CONTAINED WITHIN registration information shall be deleted from the contracting party's file for all purposes, except: [(i) issuance of manufacturer's warranty, safety recall or similar notices, or (ii) statistical complications.]

(I) 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 FEDERAL, STATE, OR LOCAL AGENCY IN CARRYING OUT ITS FUNCTIONS;

(II) FOR USE IN CONNECTION WITH MATTERS OF MOTOR VEHICLE OR DRIVER SAFETY AND THEFT; MOTOR VEHICLE EMISSIONS; MOTOR VEHICLE PRODUCT ALTERATIONS, RECALLS, OR ADVISORS; PERFORMANCE MONITORING OF MOTOR VEHICLES, MOTOR VEHICLE PARTS AND DEALERS; MOTOR VEHICLE MARKET RESEARCH ACTIVITIES, INCLUDING SURVEY RESEARCH; AND REMOVAL OF NON-OWNER RECORDS FROM THE ORIGINAL RECORDS OF MOTOR VEHICLE MANUFACTURERS;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD13933-01-6

(III) FOR USE IN THE NORMAL COURSE OF BUSINESS BY A LEGITIMATE BUSINESS OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, BUT ONLY: (1) TO VERIFY THE ACCURACY OF PERSONAL INFORMATION SUBMITTED BY THE INDIVIDUAL TO THE BUSINESS OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS; AND (2) 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;

(IV) FOR USE IN CONNECTION WITH ANY CIVIL, CRIMINAL, ADMINISTRATIVE, OR ARBITRAL PROCEEDING IN ANY FEDERAL, STATE, OR LOCAL COURT AGENCY OR BEFORE ANY SELF-REGULATING BODY, INCLUDING THE SERVICE OF PROCESS, INVESTIGATION IN ANTICIPATION OF LITIGATION, AND THE EXECUTION OR ENFORCEMENT OF JUDGEMENTS AND ORDERS, OR PURSUANT TO AN ORDER OF A FEDERAL, STATE, OR LOCAL COURT;

(V) 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;

(VI) FOR USE BY ANY INSURER OR INSURANCE SUPPORT ORGANIZATION, OR BY A SELF-INSURED ENTITY, OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, IN CONNECTION WITH CLAIMS INVESTIGATION ACTIVITIES, ANTIFRAUD ACTIVITIES, RATING OR UNDERWRITING;

(VII) FOR USE IN PROVIDING NOTICE TO THE OWNERS OF TOWED OR IMPOUNDED VEHICLES;

(VIII) FOR USE BY ANY LICENSED PRIVATE INVESTIGATIVE AGENCY OR LICENSED SECURITY SERVICE FOR ANY PURPOSE PERMITTED UNDER THIS SUBDIVISION; AND

(IX) 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 49 U.S.C. 313.

S 2. This act shall take effect immediately.