

ACT 154

S.B. NO. 1247

A Bill for an Act Relating to Motor and Other Vehicles.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this bill is to clarify Act 194, Session Laws of Hawaii 1981, which provides for public access to motor vehicle registration information, while at the same time establishes procedures governing this access.

SECTION 2. Section 286-172, Hawaii Revised Statutes, is amended to read as follows:

**“§286-172 Furnishing of information.** (a) Subject to authorization granted by the chief justice with respect to the traffic records of the violations bureaus of the district courts and of the circuit courts, the director of transportation shall furnish[:] information contained in the statewide traffic records system in response to:

- (1) [Information contained in the statewide traffic records system to any person in response to a] Any request from a state, a political subdivision of a state, or a federal department or agency, or any other authorized person pursuant to rules [and regulations] adopted by the director of transportation under chapter 91[.].;
- (2) [Motor vehicle registration information contained in the statewide traffic records system to any person under subsection (a) (1), provided that:
  - (A) Such person has] Any request from a person having a legitimate reason, as determined by the director, as provided under the rules adopted by the director under (1) above, to obtain the information for verification of vehicle ownership, traffic safety programs, or for research or statistical reports[.]; or
  - (3) [(B) Such] Any request from a person [is] required or authorized by law to give written notice by mail to owners of vehicles.

(b) Any person requesting [motor vehicle registration]information contained in the statewide traffic records system under subsection (a)(2) shall file an affidavit with the director stating the reasons for obtaining the information and making assurances that the information will be used only for such reasons, that individual identities will be properly protected, and that the information will not be used compile a [mailing] list of individuals for the purposes of any commercial solicitation[, ] by mail or otherwise, or the collection of delinquent accounts or any other purpose not allowed or provided for by the rules [and regulations].

(c) [If] The information provided to any person qualifying to receive information under subsection (a)(2) [requests the entire file of the motor vehicle registration information contained in the statewide traffic records system, the director shall provide the information only upon entering into a written agreement to provide the information] shall be provided for a fee and under such conditions as set by the director[.] pursuant to rules adopted by the director under chapter 91. [In addition to such terms and conditions that the director deems advisable, the agreement shall incorporate the assurances required in the affidavit provided for in subsection (b) and] The director shall require the person receiving the information to file with the director a corporate surety bond in favor of the State in [the] a penal sum [of \$25,000,] to be determined by the director conditioned upon the full and faithful compliance of the person receiving the information with the terms and conditions of the [agreement.] affidavit and the conditions set by the director. Any person otherwise qualified to receive information under subsection (a)(2) and who complies with the provisions of this section may receive all the information in the motor vehicle registration file if the person performs recalls on behalf of manufacturers of motor vehicles as authorized by the federal government or as deemed necessary by a manufacturer in order to protect the public health, safety, and welfare.

(d) Any person receiving information pursuant to subsections (a)(2) or (a)(3) shall hold harmless the State and any agency thereof from all claims for improper use or release of such information."

**SECTION 3.** Statutory material to be repealed is bracketed. New material is underscored.

**SECTION 4.** This Act shall take effect upon its approval.

(Approved June 2, 1983.)