

SECTION 13

DRIVER'S PRIVACY PROTECTION ACT (DPPA)

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The Driver's Privacy and Protection Act (DPPA) is federal legislation passed in 1994. South Dakota began its implementation in June of 2000. Legislation, effective July 1, 2001, incorporates the federal law into state law.

The DPPA restricts states from disclosing an individual's personal information that is contained in the records of state motor vehicle departments without the individual's consent. The type of information restricted from being released includes: a person's name, address, telephone number, Social Security number, driver's license number.

Disclosure of information is permitted under the following:

- 1) For use by any government agency or by any private person or entity acting on behalf of a federal, state or local agency in carrying out its functions.
- 2) For any state-authorized purpose relating to the operation of a motor vehicle or public safety or for use in connection with car safety, prevention of car theft, and promotion of driver safety.
- 3) For use by a business to verify the accuracy of personal information submitted to that business and to prevent fraud or pursue legal remedies if the information that the individual submitted to the business is revealed to have been inaccurate.
- 4) In connection with court, agency, or self-regulatory body proceedings.
- 5) For research purposes so long as the information is not further disclosed or used to contact the individuals to whom the data pertains.
- 6) For use by insurers in connection with claims investigations, antifraud activities, rating or underwriting.
- 7) To notify vehicle owners that their vehicle has been towed or impounded.
- 8) For use by licensed private investigative agencies or security services for any purpose permitted by the DPPA.
- 9) For use in connection with private toll transportation services.

The DPPA's provisions do not apply solely to states. The Act also regulates the resale and disclosure of personal information by private persons who have obtained the information from a state DMV. The DPPA establishes several penalties to be imposed on states and individuals that fail to comply with the provisions of the DPPA. The Act makes it unlawful for any person knowingly to obtain or disclose any record for a use that is not permitted under its provisions, or to make a false representation in order to obtain personal information for a motor vehicle record.