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VEHICLE REGISTRATION LISTS

House Bill 4806 with committee
amendments
First Analysis (11-9-93)

Sponsor: Rep. Burton Leland
Committee: Transportation

THE APPARENT PROBLEM:

The secretary of state keeps records on all vehicles registered in the state, including the names and addresses of the owners. Under the Michigan Vehicle Code, the secretary of state may sell vehicle registration lists as well as other information from its records pertaining to the sale, ownership and operation of motor vehicles. This practice has come under criticism by some people who feel it may endanger the lives of both public officials and ordinary citizens, whose home addresses can be easily obtained. Although vehicle registration information most often is used for legitimate purposes, such as by insurers that are processing a claim or car companies that need to notify vehicle owners of recalls, some people apparently have been able to obtain this information in order to locate and harass or physically harm another person. To thwart the inappropriate use of such information, some people believe the secretary of state should be restricted in releasing the information.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to provide that, notwithstanding any other provision of the act, the secretary of state could not release vehicle registration data, including a vehicle owner's/registrant's name and address, if the person requesting it presented only a vehicle registration number. The secretary of state, however, could--if presented with a registration number--release such information to 1) a law enforcement agency or governmental unit performing official duties, 2) an insurance company, 3) someone who presented either an official police accident report or an affidavit indicating that the vehicle or the operator for which the information was sought had been involved in an accident, or 4) someone who presented, in addition to a registration number, a court order requiring the secretary of state to issue the information.

Under the bill, the secretary of state would have to make a record of each transaction involving the release of vehicle registration data, and such records could be made available only to a vehicle registrant for his or her own vehicle. Someone who knowingly released confidential information in violation of the bill or who intentionally made a false statement or misrepresentation to a court or the secretary of state so as to obtain such information would be guilty of a misdemeanor, and could be imprisoned for up to 90 days or fined up to \$500, or both.

MCL 257.221a

FISCAL IMPLICATIONS:

The Department of State says it currently costs \$6.55 to request vehicle registration information and it expects that the bill would reduce the number of requests for this information, although it does not yet know by how much. (As introduced, the department estimated the bill would reduce the number of requests by about 48,000 annually, which would cause a revenue loss to the department of approximately \$315,000 per year. Amendments added to the bill by the House Transportation Committee, however, would permit the department to grant more requests for information and, thus, would result in a smaller revenue loss than initially projected.) The department also said it would incur additional costs to implement an audit trail system under the bill that would allow it to track requests for information, though it could not determine how much. (11-4-93)

ARGUMENTS:

For:

The bill would respond to increasing concerns about individuals' obtaining the names and addresses of vehicle owners and using this information to locate, harass and possibly harm a person and his or her

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family. According to the Department of State, in an incident that occurred several years ago in California, a man used information released by the California Department of Motor Vehicles to stalk and murder an actress. Others report situations involving anti-abortion activists who have effectively used vehicle registration records as a means of tracking down women who have obtained abortions or doctors who have performed them in order to harass them at home or elsewhere. These are just two examples of the kinds of abuse of such information that the bill would avert. While public officials such as judges and police officers may fear for their lives and their families' safety, any person who registers a motor vehicle is vulnerable to miscreants who need only supply a vehicle's registration number and pay a fee to find out quickly where someone lives.

For:

At present, when name and address information is released through the use of registration records, vehicle owners are not advised of the party requesting it. Under the bill, the Department of State would have to maintain an audit trail of every release and, upon request, make it available to the registrant. Thus, if suspicious or illegal requests were made the person making the request could be tracked down easily.

Against:

Deciding who should or should not be allowed access to this information seems problematic as such information could be of benefit to a large number of different types of individuals or businesses. Under the version of the bill reported from the House Transportation Committee, access would specifically be open to insurance companies, local governmental units and law enforcement agencies who provided a vehicle registration number, while others could obtain the information with both a registration number and some other official document (i.e., accident report, court order, etc.). Why not also specifically give attorneys, news organizations, car dealerships or other professionals or business-related individuals that may have a legitimate need for this information access to it? While it seems sensible to limit access to this information, it isn't clear who exactly should be barred access or even if limiting access to a few groups would prevent information from being obtained for improper uses.

Response:

The bill specifically exempts from its provisions police officials, local units of government and insurance companies (as long as they presented a vehicle registration number) because of their obviously legitimate need for this information to, for instance, track down criminals, investigate traffic accidents and perform other similar work. As for professionals and others involved in business (and, for that matter, just about any individual), the bill still would grant access to this information but only if the specified documents are presented to the secretary of state when requesting it. Thus, a person's ability to obtain information would be based primarily on the purpose for which access to it was desired rather than on a person's occupation or position of authority. Moreover, one of the primary reasons a similar bill from last session was vetoed by the governor, according to his veto message, was that it granted too many specific exemptions; the governor said he supported the basic concept of the legislation. By limiting the number of exemptions, the bill would have a better chance of being enacted.

Against:

Even if the bill were enacted, someone conceivably could still get such information by paying his or her insurance agent for it.

Response:

The penalties that would apply to someone who requested the information for improper reasons--up to a \$500 fine, possibly 90 days in jail, or both, along with being charged with a misdemeanor--should make those who would have easier access to the information think twice before abusing their position.

Against:

Congress reportedly is considering adopting similar legislation at the federal level that would apply to all states. Any federal law adopted would preempt legislation enacted at the state level.

Response:

Rather than wait for Congress to act on a good idea, Michigan should adopt this legislation; doing so could, in fact, encourage Congress to do likewise.

POSITIONS:

The Department of State supports the bill. (11-4-93)

The National Organization for Women, Michigan Conference, supports the bill. (11-3-93)

The Michigan Insurance Federation supports the bill. (11-3-93)

First Step, a private nonprofit agency for victims of domestic violence and sexual assault located in Wayne County, supports the bill. (11-4-93)

The Michigan Trial Lawyers Association supports the bill. (11-4-93)