

Express Terms

Title 13, Division 1, Chapter 1

Article 5.0 – Requesting Information from the Department

§ 350.02. Definitions.

As used in this article the following definitions shall apply;

[Subsections (a) through (k) are unchanged.]

(k) [begin strikethrough] ~~On-Line~~ [end strikethrough] [begin underline] Online [end underline] Access. Direct access to the department's electronic [begin strikethrough] ~~data base~~ [end strikethrough] [begin underline] database [end underline] through computerized equipment and communications lines furnished and maintained at no cost to the department.

[Subsections (l) through (q) are unchanged.]

(r) Special Permit. A signed agreement between the department and a Commercial Requester Account holder authorized ~~on-line~~ online access to the department's electronic ~~data base~~ database.

[Subsections (s) and (t) are unchanged.]

NOTE: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 470, 1808.21, 1808.22, 1808.23, 1810, 1810.2, 1810.7 and 1811, Vehicle Code; and Section 1798, Civil Code.

§ 350.04. Information Access.

Information may be obtained from the department's records in one or more of the following ways:

[Subsections (a) and (b) are unchanged]

(c) Directly from the department using the procedures established for a casual requester pursuant to [begin strikethrough] ~~section~~ [end strikethrough] [begin underline] Section [end underline] 350.36.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1810, 1810.2, 1810.7 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.10. Governmental Entity's Request for Information.

A governmental entity's request for information, including an [begin strikethrough] on-line [end strikethrough] [begin underline] online [end underline] access request, must include the requester code issued to the governmental entity. If the request is made by telephone or in person the personal identification number issued to the governmental entity may also be required. The request must also include one or more of the following identifying points of the record from which information is requested:

[Subsections (a) and (b) are unchanged.]

(c) For driver's license or identification card information, the identifying points of the record shall be at least one of the [begin underline] following: [end underline] full name, driver's license number, or identification card number.

[Subsection (d) is unchanged.]

(e) For occupational licensing information, the identifying points of the record may be the full name of the licensee, the name under which the licensee does business, the occupational license number, or any combination thereof.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Section 1810, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.12. Priority for Processing Governmental Requests.

Governmental requests for information shall be [begin strikethrough] process [end strikethrough] [begin underline] processed [end underline] in accordance with the following priorities:

[Subsections (a) through (d) are unchanged]

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1810, 1810.7 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.16. Information Required on a [begin strikethrough] Nongovernmental [end strikethrough] [begin underline] Commercial Requester [end underline] Application for a Requester Code.

(a) ~~[begin strikethrough] A nongovernmental [end strikethrough]~~~~[begin underline] An [end underline] original and a renewal [begin underline] commercial requester [end underline] application for a requester code shall be submitted to the department [begin strikethrough] Information Services Branch in Sacramento [end strikethrough] on the Commercial Requester Account Application, Form INF 1106 [begin strikethrough] (REV. 10/2000) [end strikethrough] and shall include the following:~~

~~[begin underline]~~

~~(1) An indication of whether the application is an original, renewal, or to make changes to an existing account. [end underline]~~

~~[begin strikethrough] (1) [end strikethrough]~~~~[begin underline] (2) [end underline] The [begin strikethrough] nongovernmental entity's [end strikethrough] business/organization name [begin underline] including any doing business as (DBA), and website address, if applicable. [end underline]~~

~~[begin strikethrough] (2)[end strikethrough]~~~~[begin underline] (3) [end underline] The [begin underline] contact person for the [end underline] [begin strikethrough] nongovernmental [end strikethrough] [begin underline] commercial [end underline] entity, [begin underline] their e-mail address, and [end underline] telephone number.~~

~~[begin strikethrough] (3)[end strikethrough]~~~~[begin underline] (4)[end underline] The business [begin underline] address [end underline] and the mailing address of the [begin strikethrough] nongovernmental [end strikethrough] [begin underline] commercial [end underline] entity.~~

~~[begin strikethrough] (4) The name, addresses and telephone numbers of the branch locations of the nongovernmental entity that will be receiving information from the department's records. [end strikethrough]~~

(5) Any existing requester code(s) issued by the department and used for the ~~[begin strikethrough] nongovernmental [end strikethrough]~~~~[begin underline] commercial [end underline] entity's business.~~

(6) Whether the ~~[begin strikethrough] nongovernmental [end strikethrough]~~~~[begin underline] commercial [end underline] entity will [begin strikethrough] purchase [end strikethrough]~~~~[begin underline] obtain [end underline] departmental information through a departmental- [begin strikethrough] preapproved requester [end strikethrough]~~~~[begin underline] an approved service provider. If the information will be obtained through~~

a Service Provider, the applicant shall provide an indication of the access method will be online. If the information will not be obtained through a Service Provider, the applicant shall provide a mailing address for billing.
[end underline]

[end strikethrough] ~~(7) Where the nongovernmental entity wants purchased information mailed.~~

~~(8)~~[end strikethrough][begin underline] (7) [end underline] If the [begin strikethrough] ~~nongovernmental~~ [end strikethrough][begin underline] commercial [end underline] entity is required to be licensed by the State of California or if the applicant is a member of the California State Bar list the business license number, the agency issuing the license, the type of license, and the date the license expires. Also, if applicable, list the federal employer identification number, the corporation number, and the state that issued the number.

[begin strikethrough] ~~(9)~~ [end strikethrough][begin underline] (8) [end underline] A description of the business or organization.

[begin underline] (9) Any Professional or Occupational License, including the licensee name, license number, license expiration date, and the issuing authority. [end underline]

(10) The purpose(s) for requesting information.

[begin strikethrough] ~~(11) The medium of inquiry and delivery the nongovernmental entity requests.~~

~~(12)~~[end strikethrough][begin underline] (11) [end underline] Whether the [begin strikethrough] ~~nongovernmental~~ [end strikethrough][begin underline] commercial requester [end underline] entity will request information from the registration file; the driver's license file; the financial responsibility file; the occupational licensing file; or any combination thereof; and, whether the [begin strikethrough] ~~nongovernmental~~ [end strikethrough][begin underline] commercial requester [end underline] entity will request mailing address and/or residence address information.

[begin strikethrough] ~~(13)~~ [end strikethrough][begin underline] (12) [end underline] If residence address information will be requested, the specific reasons such information will be requested, and the regulation, federal or state statute, identified by code name and section number, or rule of court that requires the department to release the residence address information.

[begin strikethrough] (14) [end strikethrough][begin underline] (13) [end underline] If mailing address information will be requested, the specific reasons such information will be requested.

[begin strikethrough] (15) Whether or not the nongovernmental entity will resell information to another preapproved requester.

(16) A description of the nongovernmental entity's automated system design to be used for on-line access and record reproduction when the application is for on-line access.

(17)[end strikethrough][begin underline](14) [end underline] If the applicant is requesting access to residence address or mailing address information, a copy of the procedures established to protect the confidentiality of the information received from the department as required by Vehicle Code section 1808.47. The security procedures shall address at least the extent to which access to the requester code, personal identification number, and information received from department records is restricted.

[begin underline] (15) An indication of whether anyone directly affiliated with the commercial requester previously applied for, had, or has a Commercial Requester Account. If so, an indication of the business name, including any doing business as, and the requester code.

(16) An indication of whether anyone directly affiliated with the commercial requester has been subject to a Department of Motor Vehicle administrative action against a prior or current Commercial Requester Account, including the date of the incident, the type of action, the name of the person and/or businesses, and the reason.

(17) An indication of whether anyone having access to the department's information has ever been convicted of any felony or crime for a violent act, stalking, computer fraud, unauthorized disclosure, access, or distribution information, including the date of the incident, the name of the person, the specific code violation, the court, and the action taken.
[end underline]

(18) The name and title of the person signing the agreement described in section 350.18 who is responsible for compliance with the statutes and regulations pertaining to the access and use of information from department records, and a description of the person's position within the [begin strikethrough] nongovernmental [end strikethrough][begin underline] commercial requester [end underline] entity.

(19) The name, title and telephone number of the person to be contacted by the department to resolve problems.

(20) A sworn statement signed [begin underline] under penalty of perjury [end underline] and dated by the person described in subdivision (18) [begin strikethrough] ~~as to the truth of the contents of the application; the penalties for false representation and misuse of information; and, the city, county and state where the document is executed.~~ [end strikethrough] [begin underline] acknowledging the following:

I understand that the use or unauthorized disclosure of departmental information for a purpose other than that for which this applicant applied, and was approved by the department, is prohibited and subject to criminal prosecution, including fines and imprisonment (California Vehicle Code section 1808.45). I further understand that obtaining departmental information under false representations, the distribution of restricted information, or use of information for a purpose not specified by this applicant and approved by the department, may result in suspension/revocation of applicant's access privileges and civil penalties up to \$100,000 (California Vehicle Code section 1808.46). [end underline]

(b) A [begin strikethrough] ~~nongovernmental~~ [end strikethrough] [begin underline] commercial requester [end underline] entity shall notify the department's Information Services Branch in Sacramento in writing within ten (10) working days of any permanent termination of the need for information, or any change of the information required in subdivision (a).

[Subsection (c) is unchanged]

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.21, 1808.22, 1808.23, 1808.47, 1810, 1810.2, 1810.7 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.18. Additional Requirements for a [begin strikethrough] ~~Nongovernmental~~ [end strikethrough] [begin underline] Commercial Requester [end underline] Application for a Requester Code.

(a) A Commercial Requester Account Agreement [begin strikethrough] ~~, Form INF 1108 (2/91), provided by the department~~ [end strikethrough] shall be completed and submitted with the application required in section 350.16 [begin underline] , through the department's internet portal. [end underline]

(b) In addition to provisions contained in this article or in existing statute, the agreement includes the following provisions:

[Subsections (b)(1) through (b)(4) are unchanged]

(5) The requester agrees to defend, indemnify, and hold harmless the department and its officers, agents, and employees from any and all claims, actions, damages, or losses which may be brought or alleged against the department, its officers, agents, or employees by reason of the negligent, improper, or unauthorized use or dissemination by the requester or its officers, agents, or employees, of information furnished to the requester by the department or by reason of inaccurate information furnished to the requester by the department unless the requester can show that the department was originally furnished accurate information from the reporting source.

(c) The agreement shall be dated and signed by the person described in section 350.16(a) ~~[begin strikethrough](25)[end strikethrough]~~ [begin underline](17)[end underline]; and, shall include the city, county, and state where the document is executed.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.21, 1808.47, 1810, 1810.2, 1810.7 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.20. Certifications Required with ~~[begin strikethrough] Nongovernmental~~ [begin underline] Commercial Requester [end underline] Applications for Access to Residence Address Information.

(a) If the applicant for a requester code is an agent and is requesting access to residence addresses, an Information Services Certification of Agency, Form INF 1184 ~~[begin strikethrough] (2/91), provided by the department,~~ [end strikethrough] shall be submitted [begin underline] through the department's internet portal [end underline] ~~[begin strikethrough] with the application~~ [end strikethrough] and shall include the following:

[begin underline] (1) An indication of whether the applicant represents a vehicle dealership or a vehicle manufacturer. [end underline]

~~[begin strikethrough](1)[end strikethrough]~~ [begin underline] (2) [end underline] The [begin underline] business [end underline] name, [begin underline] contact person name, [end underline] address, telephone

number, and the dealer or manufacturer license number of the vehicle dealer or vehicle manufacturer certifying the agent.

[begin strikethrough] (2) [end strikethrough] [begin underline] (3) [end underline] The [begin underline] agent [end underline] name, address, telephone number, and [begin strikethrough] driver's license number [end strikethrough] [begin underline] requester code [end underline] of the agent being certified.

[begin strikethrough] (3) [end strikethrough] [begin underline] (4) [end underline] A certification by the vehicle dealer or vehicle manufacturer which authorizes the applicant to act as an agent for the purpose of obtaining information from the department pursuant to section 1808.23 of the Vehicle Code.

[begin strikethrough] (4) [end strikethrough] [begin underline] (5) [end underline] A signed statement, certified under the penalty of perjury, by the vehicle dealer or vehicle manufacturer in which the dealer or manufacturer agrees to:

(A) Hold the department harmless from any monetary loss to the department by reason of the use of information obtained from the department by the agent; and

(B) Pay to the department, its officers, and any other person(s) all civil damages occasioned to the department or such persons by reason of the acts or [begin strikethrough] ommissions [end strikethrough] [begin underline] omissions [end underline] by the agent in obtaining information from the Department by means of false or misleading representations, or in selling, giving, or otherwise furnishing any information obtained from the Department records to any third party not specifically authorized and approved by the Department.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.25, Civil Code. Reference: Sections 1808.21, 1808.22, 1808.23, 1810, 1810.2, 1811, and 16053, Vehicle Code. Sections 1798.24 and 1798.26, Civil Code; and Cal Jur 3d 109.

§ 350.22. Fees Required with an Application for a [begin strikethrough] Nongovernmental [end strikethrough] [begin underline] Commercial [end underline] Requester Code.

(a) A filing fee of two hundred and fifty dollars (\$250) shall accompany an original application and each biennial renewal application for a requester account when the applicant is requesting and is authorized by law to receive confidential residence address information. Applicants not authorized to receive, or not requesting, confidential residence address information shall submit a filing fee of fifty (\$50) with the original application and with each biennial renewal application.

(b) If the application is for an [begin strikethrough] ~~on-line~~ [end strikethrough] [begin underline] online [end underline] access special permit, a filing fee of two hundred and fifty dollars (\$250) shall accompany an original application and each biennial renewal application.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.21, 1808.22, 1808.23, 1810, 1810.2, 1810.7 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.24. Bond Requirements for a Commercial Requester Account with Access to Confidential Address Information.

(a) The bond required by Vehicle Code section 1810.2(c) shall be executed by an admitted surety insurer, on a Commercial Requester Account Bond, form INF 1132 (REV. 9/2004), which is hereby incorporated by reference and subject to chapter 2 (commencing with section 995.010), title 14, of part 2 of the Code of Civil Procedure. The bond shall be conditioned that the applicant shall:

(1) Pay to the State monies due for application fees and department costs related to the release or access of information from [begin strikethrough] ~~DMV~~ [end strikethrough] [begin underline] the department's [end underline] records to the Principal; and

[Subsections (a)(2) and (a)(2)(A) through (C) are unchanged]

[Subsection (b) is unchanged]

[Subsection (c) is unchanged]

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.21, 1808.22, 1808.23, 1808.45, 1808.46, 1808.47, 1810, 1810.2, 1810.7 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.28. ~~[begin strikethrough] Nongovernmental [end strikethrough]~~~~[begin underline] Commercial [end underline]~~ Requester Code Holder's Request for Information.

(a) A ~~[begin strikethrough] nongovernmental [end strikethrough]~~~~[begin underline] commercial [end underline]~~ requester code holder's request, including an ~~[begin strikethrough] on-line [end strikethrough]~~~~[begin underline] online [end underline]~~ access request, for information must include a requester code issued to the requester and, if acting on behalf of another, a requester code issued to the end user of the information. If the request is made by telephone or in person, the personal identification number of the requester code holder making the request may be required. The request must also include one or more of the following points of identification of the record:

(1) For vehicle registration information, the points of identification include the license plate number, or the vehicle identification number or the owner's name and full address. If the request is made in conjunction with a vehicle lien sale the points of identification shall include the vehicle identification number, make, and year model of the vehicle being sold.

(2) For vessel registration information, the points of identification include the vessel registration number or hull number.

(3) For driver's license or identification card information, the points of identification include either the full name and date of birth, or the full name and driver's license or identification card number.

(4) For financial responsibility information, the points of identification include the date, time and location of accident; the full name of either driver involved; the driver's license number of either driver; the license plate number of a vehicle involved; the financial responsibility number assigned by the department; or any combination thereof.

(5) For occupational licensing information, the points of identification include the full name of the licensee, the name under which the licensee does business, or the occupational license number.

[Subsections (b) through (h) are unchanged]

(d) If the end user of information that includes a residence address is an attorney, the attorney must determine before submitting the request, that the request is pursuant to ~~[begin strikethrough] section [end strikethrough]~~~~[begin underline] Section [end underline]~~ 1808.22 ~~[begin strikethrough] (e) [end strikethrough]~~~~[begin underline] (d) [end strikethrough]~~ of the Vehicle Code.

(e) If the end user of the information that includes a residence address is a vehicle manufacturer or a vehicle manufacturer's agent, the manufacturer or the agent must determine before submitting the request, that the request is pursuant to ~~[begin strikethrough] section-[end strikethrough]~~[begin underline] Section~~[end strikethrough]~~ 1808.23(a) of the Vehicle Code.

(f) If the end user of the information that includes a residence address is a vehicle dealer or a vehicle dealer's agent, the dealer or the agent must determine before submitting the request, that the request is pursuant to ~~[begin strikethrough] section-[end strikethrough]~~[begin underline] Section~~[end underline]~~ 1808.23(b) of the Vehicle Code.

(g) If the end user of the information that includes a residence address is requesting the information as permitted under subdivision (h) of ~~[begin strikethrough] section-[end strikethrough]~~[begin underline] Section~~[end underline]~~ 1798.24 of the Civil Code, the requester must determine before submitting the request, that no persons will be contacted by mail or otherwise at the address included with the information.

(h) If the end user of information that includes a residence address is not requesting the residence address information pursuant to ~~[begin strikethrough] section-[end strikethrough]~~[begin underline] Section~~[end underline]~~ 1808.22 or 1808.23 of the Vehicle Code, the end user must cite a federal or state statute, regulation, or rule of court that specifically requires the department to release the residence address information from its records.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.21, 1808.22, 1808.23, 1808.45, 1808.46, 1808.47, 1810, 1810.2 and 1811, Vehicle Code; Section 1798.26, Civil Code; and Section 1, Ch. 1213, Stats. 1989.

§ 350.34. Additional Security Requirements for ~~[begin strikethrough] On-Line-[end strikethrough]~~[begin underline] Online~~[end underline]~~ Access.

On-line access special permit holders shall be responsible for security of the system and the information received as follows:

[Subsections (a) and (b) are unchanged]

(c) Access to codes and operational manuals shall be restricted to persons authorized access to department information, and who have signed an Employee Security Statement, Form INF 1128 ~~[begin strikethrough] (3/97),[end strikethrough]~~ provided by the department.

(d) Each person authorized on-line access by a special permit holder shall sign an Employee Security Statement, Form INF 1128 [begin strikethrough] ~~(3/97)~~ [end strikethrough] [begin underline] (Rev. 9/2006), which is hereby incorporated by reference, [end underline] for his or her employer. The statement shall be retained by the employer for a period of two (2) years. A new statement shall be signed annually.

[Subsections (e) through (h) are unchanged]

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1810, 1810.7 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.36. Casual Requests for Information.

(a) A casual requester may submit a request for information in person, at any Field Operations Division's public field office, by mail or electronic interface with the department's Internet website. The request shall include the following information:

(1) The name of the requester.

(2) The residence or business address and telephone number of the requester.

(3) The reason the information is requested.

(4) The intended use of the information requested.

(5) If residence address information is requested, the specific reasons such information is being requested, and the regulation, federal or state statute, identified by code name and section number, or rule of court that requires the department to release the residence address information.

(6) If mailing address information is requested, the reason such information is being requested. Acceptable reasons are for use in connection with assessment of driver risk or ownership of vehicles or vessels.

(b) A casual requester's request for information must include the following points of identification about the record requested.

(1) For vehicle registration information, the points of identification may be the license plate number or vehicle identification number, or the owner's name and full address. If the request is made in conjunction with a vehicle

lien sale the points of identification shall include the vehicle identification number, make, and year model of the vehicle being sold.

(2) For vessel registration information, the points of identification may be the vessel registration number or hull number.

(3) For driver's license or identification card information, the points of identification may be either the full name and date of birth or the full name and driver's license number or the full name and identification card number.

(4) For financial responsibility information, the points of identification may be the date, time and location of accident; the full name of either driver involved; the driver's license number of either driver; the license plate number of a vehicle involved; the financial responsibility number assigned by the department; or any combination thereof.

(5) For occupational licensing information, the points of identification may be the full name of the licensee; the name under which the licensee does business, the occupational license number, or any combination thereof.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Section 1798.26, Civil Code; Sections 1808.21, 1808.22, 1808.23, 1808.45, 1808.46, 1808.47, 1810, 1810.2 and 1811, Vehicle Code.

§ 350.44. Cost of Information.

(a) Information shall be furnished to a governmental entity without charge.

(b) ~~[begin strikethrough] Nongovernmental [end strikethrough]~~ Commercial Requester Account holders shall be charged for information according to the following schedule [begin underline] and invoices shall be paid through an electronic payment method: [end underline]

(1) Two dollars (\$2) for each record requested electronically.

(2) Five dollars (\$5) for each record requested in writing or by telephone.

(3) Twenty dollars (\$20) for each copy of a non-electronically stored record.

(4) One hundred dollars (\$100) per thousand records for a bulk request for all records which meet a specified criteria not related to a specific person or vehicle.

[Subsection (c) is unchanged]

NOTE: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1810, 1811 and 1812, Vehicle Code; and Section 1798.26, Civil Code.

[begin underline] § 350.47. Requester Code Holder – Electronic Access.

Upon the effective date of this regulation, a government or commercial requester code holder requesting information from the department as authorized by Vehicle Code Sections 1808.1, 1810.2, or 1810.5, shall:

(a) Submit an original or renewal application through the department's online interface portal;

(b) Request and receive information electronically either directly or through an authorized agent or service provider;

(c) Pay invoices using the online payment service available on the department's website.

NOTE: Authority cited: Sections 1651 and 1810, Vehicle Code; Reference: Sections 1808.1, 1810.2, and 1810.5, Vehicle Code. [end underline]

§ 350.48. Retention of Records.

(a) The department shall retain a record of each request for information from a casual requester for a period of ninety (90) days from the date the request is received, and from a preapproved requester for a period of two (2) years [begin strikethrough] ~~for~~ [end strikethrough] [begin underline] from [end underline] the date the request is received. The record retained may indicate whether the request was granted, in whole or in part, and may identify the information released, if any.

(b) Each requester code holder authorized to [begin strikethrough] ~~resell~~ [end strikethrough] [begin underline] provide [end underline] information to another requester shall maintain a monthly record of each request for information for a period of five (5) years from the date of the request, showing [begin strikethrough] ~~the date of~~ [end strikethrough] the date of the request, the type of information requested (vehicle or vessel registration, driver's license, financial responsibility, or occupational licensing), the identity of the end user including

indirect requesters, and identify the proposed use of information as approved by the department, in that order.

(c) Each requester code holder [begin strikethrough] who is [end strikethrough] requesting or receiving confidential information [begin strikethrough], but who is not reselling the confidential information, [end strikethrough] shall maintain a monthly record of each request for information for a period of two (2) years from the date of the request, showing the date of the request, the requester code of the person making the request to the department, the type of information requested (vehicle or vessel registration, driver's license, financial responsibility, or occupational licensing), points of identification used for the request (e.g., license number and date of birth), and the purpose of the request, in that order.

NOTE: Authority cited: Section 1798.26, Civil Code; Sections 1651 and 1810, Vehicle Code. Reference: Section 1798.26, Civil Code; Sections 1808.46, 1810 and 1811, Vehicle Code; and Driver's Privacy Protection Act (18 U.S.C., Section 2721).

§ 350.50. Inspection of Records.

(a) Each requester code holder shall keep the records retained pursuant to [begin strikethrough] sections [end strikethrough] [begin underline] Sections [end underline] 350.48 and 350.18(b) (4) at the business address listed on the requester code holder's application for a requester code.

(b) The place of business shall be open to an electronic or manual audit of the records required to be retained during normal business hours, immediately upon request from the department or the department's representative.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.46, 1810 and 1811, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.52. Refusal, Suspension or Revocation of Requester Codes.

[begin strikethrough] (a) The department may suspend or revoke a requester code or an on-line access special permit, may refuse to issue a requester code or on-line access special permit, or may refuse to approve access to confidential address information, after notice and opportunity to be heard, for any of the following reasons:

(1) The application is incomplete.

~~(2) The applicant requests access to residence address information when not authorized such access pursuant to statute, regulation, or rule of court.~~

~~(3) Based on the applicant's stated purpose for requesting information, the department determines that the public interest in withholding the information outweighs the public interest in releasing the information.~~

~~(4) The information on the application for a requester code is incorrect, false, misleading, or identifies an intended misuse of the information requested.~~

~~(5) The applicant, or a representative of the applicant, was previously the holder or a managerial employee of the holder of a requester code revoked for cause and never reissued by the department, or suspended for cause and the terms of the suspension are not fulfilled. For the purposes of this subdivision, a representative means a proprietor, limited or general partner, a managerial employee, or a director or officer active in the management, direction, or control of the business of the requester code holder. A managerial employee is any person who exercises managerial control over the business of a requester code holder.~~

~~(6) The holder, or any employee of the holder, used information received from the department for a purpose other than the purpose stated in the holder's application for a requester code.~~

~~(7) The bond required pursuant to section 350.24 is canceled and a replacement bond is not filed with the department prior to the cancellation.~~

~~(8) The holder submitted a check, draft, or money order to the department, that was thereafter dishonored when presented for payment.~~

~~(9) The holder sold or otherwise delivered information obtained from the department to a person other than the requester code holder for whom the information was obtained except as provided for in section 350.18(b)(6).~~

~~(10) The holder failed to pay for information received from the department.~~

~~(11) The holder or any representative of the holder represented to any person that the holder or such representative as an officer, agent or employee of the department.~~

~~(12) The holder published any false or misleading advertising related to the purchase of information from the department.~~

~~(13) The holder used the DMV logogram in any advertising or other materials used in the business of the holder. If the holder uses the DMV logogram in any advertising, the advertising shall neither state nor infer that there is any official connection between DMV and the advertiser or that DMV has sanctioned or approved of either the advertisement or the advertiser's services.~~

~~(14) The holder violated any of the provisions contained in this article.~~

~~(b) The notice and hearing provided for in this section shall be conducted pursuant to chapter 5 (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.~~

~~(c) This section shall remain in effect only until October 1, 2000, and as of that date is repealed.~~

~~(d) From October 1, 1998 through September 30, 2000, provisions of this section shall apply only to requester codes issued or renewed on or before October 1, 1998. [end strikethrough]~~

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.21, 1808.22, 1808.23, 1808.45, 1808.46, 1808.47, 1810, 1810.2 and 1811, Vehicle Code; Section 1798.26, Civil Code; and Section 1, Ch. 1213, Stats. 1989.

§ 350.53. Surrender of Records.

(a) Upon termination of a requester account agreement, the holder shall surrender to the department all records retained pursuant to [begin strikethrough] sections [end strikethrough] [begin underline] Sections [end underline] 350.48 and 350.18(b)(4). The records shall be delivered to the department's [begin strikethrough] Office of [end strikethrough] Information [begin underline] Policy and Liaison Branch [end underline] [begin strikethrough] Services [end strikethrough] in Sacramento not later than the end of the third departmental business day following the date of termination of the agreement.

(b) Whenever notification is made pursuant to [begin strikethrough] section [end strikethrough] [begin underline] Section [end underline] 350.16(b) of any permanent determination of the need for information, all records retained pursuant to [begin strikethrough] sections [end strikethrough] [begin underline]

Sections [end underline] 350.18(b)(4) and 350.48 shall be delivered with the notification to the department's [begin strikethrough] Office of [end strikethrough] Information [begin underline] Policy and Liaison Branch [end underline][begin strikethrough] Services [end strikethrough] in Sacramento.

(c) The department shall provide a no fee copy of the surrendered records to the account holder not later than 60 days from the date of surrender, provided that the account holder requests a copy, in writing, at the time of surrender.

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1810, 1810.2 and 1810.7, Vehicle Code; and Section 1798.26, Civil Code.

§ 350.54. Temporary Suspension of a Requester Code.

[begin strikethrough] (a) The department may, pending a hearing, temporality suspend the requester code issued to any person, for a period not to exceed thirty (30) days, if the director finds that such action is required in the public interest. In any such case the director shall give the requester code holder an opportunity to appear before the director, either in person or by telephone to argue informally against the temporary suspension. If the director sustains the temporary suspension, the hearing shall be held and the decision rendered within thirty (30) days of the date of the temporary suspension.

[begin strikethrough] (b) This section shall remain in effect only until October 1, 2000, and as of that date is repealed.

[begin strikethrough] (c) From October 1, 1998 through September 30, 2000, provisions of this section shall apply only to requester codes issued or renewed on or before October 1, 1998. [end strikethrough]

Note: Authority cited: Sections 1651 and 1810, Vehicle Code; and Section 1798.26, Civil Code. Reference: Sections 1808.21, 1808.22, 1808.45, 1808.46, 1808.47, 1810, 1810.2 and 1811, Vehicle Code; Section 1798.26, Civil Code; and Section 1, Ch. 1213, Stats. 1989.