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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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### **SB 101 (Nielsen) - Department of Motor Vehicles: records: confidentiality**

**Version:** December 29, 2020

**Policy Vote:** PUB. S. 4 - 0

**Urgency:** No

**Mandate:** No

**Hearing Date:** March 22, 2021

**Consultant:** Shaun Naidu

**Bill Summary:** SB 101 would add code enforcement and parking control officers, as well as their spouses and children, to the list of persons who may request an additional level of confidentiality from the Department of Motor Vehicles (DMV). It also would require DMV to charge a fee, starting on January 1, 2022, to cover its program costs.

#### **Fiscal Impact:**

- Estimated first-year costs of approximately \$275,000 and \$90,000 in ongoing annually costs to DMV to handle manual data entry processing of confidentiality requests within the Confidential Records Unit. Workload costs would be offset through the collection of fees.

There also are costs to DMV to promulgate regulations to establish the fee and create a process to collect the fees. Standard regulatory costs are around \$20,000. Department costs to promulgate regulations for establishing and processing the fee that would be required by this bill may be significantly higher due to the short time frame within which the regulations would have to be published, as DMV would be required to start collecting the fee on January 1, 2022. (Special fund\*)

- Potential reduction of an unknown amount in the collection of state and local tolls, parking fees, and fines to the extent that current law makes it difficult for local parking and toll agencies to collect tolls and fines from additional persons included within the enhanced confidentiality program.

\*Motor Vehicle Account, State Transportation Fund

**Background:** All residence addresses in any DMV record are confidential and may not be disclosed to any person, except a court, law enforcement agency, or other governmental agency, or as otherwise authorized under specified circumstances. The release of such confidential information is a misdemeanor, punishable by a base fine of up to \$5,000 and/or by up to one year in county jail. In addition to this protection, residential addresses of certain public employees, as well as that of their spouses and children, contained in DMV records are confidential, if the qualified person requests confidentiality of that information.

According to the Senate Committee on Public Safety analysis of this measure:

Vehicle Code section 1808.4 was added by statute in 1977 to provide confidentiality of home addresses to specified public employees and their families.

In 1989, Vehicle Code section 1808.21 was added to make all residence addresses contained within the Department of Motor Vehicle files confidential. Vehicle Code section 1808.21(a) states the following:

The residence address in any record of the department is confidential and cannot be disclosed to any person except a court, law enforcement agency, or other governmental agency, or as authorized in Section 1808.22 or 1808.23.

This section was further amended in 1994 to allow individuals under specific circumstances to request that their entire records be suppressed. Any individual who is the subject of stalking or who is experiencing a threat of death or great bodily injury to his or her person may request their entire record to be suppressed under this section.

Upon suppression of a record, each request for information about that record has to be authorized by the subject of the record or verified as legitimate by other investigative means by the DMV before the information is released.

A record is suppressed for a one-year period. At the end of the one year period, the suppression is continued for a period determined by the department and if the person submits verification acceptable to the department that he or she continues to have reasonable cause to believe that he or she is the subject of stalking or that there exists a threat of death or great bodily injury to his or her person.

DMV has long maintained that all residence addresses are suppressed and only persons authorized by statute can access this information.

Under sections 1808.4 and 1808.6 the home addresses of specific individuals are suppressed and can only be accessed through the Confidential Records Unit of the Department of Motor Vehicles while under section 1808.21, the residence address portion of all individuals' records are suppressed but can be accessed by a court, law enforcement agency, or other governmental agency or other authorized persons.

**Proposed Law:** This bill would add code enforcement officers and parking control officers employed by a city, county, university, college, public hospital, public airport, special district, or other public entity for the purpose of monitoring and enforcing state laws and local ordinances related to parking (and their families) to the list of individuals who may request the extra level of confidentiality of their home addresses that appear in DMV records. Additionally, it would require DMV to charge a fee that is sufficient to cover the reasonable costs for the confidentiality program. The department must start charging the fee on requests for confidentiality made on or after January 1, 2022.

**Related Legislation:** SB 517 (Archuleta, 2019-2020 Reg. Sess.), SB 1286 (Nielsen, 2019-2020 Reg. Sess.), and SB 1390 (Galgiani, 2017-2018 Reg. Sess.) were substantially similar to this bill. SB 517 and 1390 were held on the Suspense File of this Committee. SB 1286 was never heard in the Senate Committee on Public Safety.

SB 362 (Galgiani, 2017-2018 Reg. Sess.), SB 1131 (Galgiani, 2015-2016 Reg. Sess.), and SB 372 (Galgiani, 2015-2016 Reg. Sess.) were all identical to one another and would have provided code enforcement officers, parking control officers, and non-sworn investigators with the Department of Insurance with an extra level of confidentiality with respect to their home addresses in DMV records. These bills were held on the Suspense File of this Committee; SB 372 was amended subsequently to address an unrelated subject but never heard in its amended form.

AB 2687 (Bocanegra, Ch. 273, Stats. 2014) allows Licensing Program Analysts from the Department of Social Services to enroll in the DMV Confidential Records Program.

SB 767 (Lieu, 2013-2014 Reg. Sess.), which failed passage in the Assembly Transportation Committee, would have added code enforcement officers to those eligible to enroll in the DMV Confidential Records Program.

Over the past twenty years, a number of bills proposing to expand the statutory confidentiality list, including for code enforcement officers, have either failed in committee or have been vetoed.

**Staff Comments:** The DMV Confidential Records Program is a paper-based program that is handled by the department's investigation unit, as it deals with confidential records. The unit does not handle cash for DMV currently. The department would need to establish a process for how unit staff would accept and deposit the payment of fees.

The program is an unfunded service by DMV, meaning that there are no fees or revenue sources dedicated to fund the work required to add individuals to or update records in the program. Currently, resources and workload associated with the program are funded by the department's operating budget. This bill would allow DMV to recover its costs by charging a fee to consumers of the service.

At the direction of the Governor, the Department of Finance conducted a performance audit of DMV to, in part, assess the efficiency and effectiveness of the department's current operations. The Department of Finance released its audit report in March 2019 and identified a number of areas of improvement for DMV. These areas include significant deficiencies in planning and implementation of the REAL ID program negatively impacting the field office customer experience, organizational and reporting structure being outdated and not reflecting current operational needs, budgeting and staffing approach not focused on maximizing field office capacity, appointment practices needing improvement, monitoring of the field office customer experience needing improvement, the inconsistent implementation of enhancements to field office customer service, and the inadequacy of field office employee development resources. This Committee may wish to consider if expanding who may enroll in the DMV Confidential Records Program would divert department personnel from working on other pressing matters, such as focusing on remedying the deficiencies identified in the Department of Finance audit.

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