

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE J. MISCELLANEOUS PROVISIONS

CHAPTER 730. MOTOR VEHICLE RECORDS DISCLOSURE ACT

Sec. 730.001. SHORT TITLE. This chapter may be cited as the Motor Vehicle Records Disclosure Act.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.002. PURPOSE. The purpose of this chapter is to implement 18 U.S.C. Chapter 123 and to protect the interest of an individual in the individual's personal privacy by prohibiting the disclosure and use of personal information contained in motor vehicle records, except as authorized by the individual or by law.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.003. DEFINITIONS. In this chapter:

(1) "Agency" includes any agency or political subdivision of this state, or an authorized agent or contractor of an agency or political subdivision of this state, that compiles or maintains motor vehicle records.

(1-a) "Authorized recipient" means a person who is permitted to receive and use personal information from an agency in a manner authorized by this chapter.

(2) "Disclose" means to make available or make known personal information contained in a motor vehicle record about a person to another person, by any means of communication.

(3) "Individual record" means a motor vehicle record obtained by an agency containing personal information about an individual who is the subject of the record as identified in a request.

(4) "Motor vehicle record" means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document. The term does not include:

(A) a record that pertains to a motor carrier; or
(B) an accident report prepared under:
(i) Chapter 550; or
(ii) former Section 601.004 before
September 1, 2017.

(5) "Person" means an individual, organization, or entity but does not include this state or an agency of this state.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, date of birth, driver identification number, name, address, but not the zip code, e-mail address, telephone number, and medical or disability information. The term does not include:

(A) information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status; or

(B) information contained in an accident report prepared under:

(i) Chapter 550; or
(ii) former Section 601.004 before
September 1, 2017.

(7) "Record" includes any book, paper, photograph, photostat, card, film, tape, recording, electronic data, printout, or other documentary material regardless of physical form or characteristics.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.
Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 6, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. 312), Sec. 54, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 5, eff. June 18, 2021.

Sec. 730.004. PROHIBITION ON DISCLOSURE AND USE OF PERSONAL INFORMATION FROM MOTOR VEHICLE RECORDS. Notwithstanding any other provision of law to the contrary, including Chapter 552, Government

Code, except as provided by Sections 730.005-730.007, an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 7, eff. Sept. 1, 2001.

Sec. 730.005. REQUIRED DISCLOSURE. Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed for use in connection with any matter of:

(1) motor vehicle or motor vehicle operator safety;

(2) motor vehicle theft;

(3) motor vehicle emissions;

(4) motor vehicle product alterations, recalls, or advisories;

(5) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer;

(6) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of:

(A) the Automobile Information Disclosure Act, 15 U.S.C. Section 1231 et seq.;

(B) 49 U.S.C. Chapters 301, 305, 323, 325, 327, 329, and 331;

(C) the Anti Car Theft Act of 1992, 18 U.S.C. Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C. Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all as amended;

(D) the Clean Air Act, 42 U.S.C. Section 7401 et seq., as amended; and

(E) any other statute or regulation enacted or adopted under or in relation to a law included in Paragraphs (A)-(D);

(7) child support enforcement under Chapter [231](#), Family Code;

(8) enforcement by the Texas Workforce Commission under Title 4, Labor Code; or

(9) voter registration or the administration of elections by the secretary of state.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 1023, Sec. 72, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 869 (S.B. 76), Sec. 6, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1012 (H.B. 2512), Sec. 2, eff. June 14, 2013.

Sec. 730.006. REQUIRED DISCLOSURE WITH CONSENT. Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed to a requestor who:

(1) is the subject of the information; or

(2) demonstrates, in such form and manner as the agency requires, that the requestor has obtained the written consent of the person who is the subject of the information.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 6, eff. June 18, 2021.

Sec. 730.007. PERMITTED DISCLOSURES OF CERTAIN PERSONAL INFORMATION. (a) Personal information obtained by an agency in connection with a motor vehicle record may be disclosed to any requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the use of the personal information will be strictly limited to:

(A) use by:

(i) a government agency, including any court or law enforcement agency, in carrying out its functions; or

(ii) a private person or entity acting on behalf of a government agency in carrying out the functions of the agency;

- (B) use in connection with a matter of:
 - (i) motor vehicle or motor vehicle operator safety;
 - (ii) motor vehicle theft;
 - (iii) motor vehicle product alterations, recalls, or advisories;
 - (iv) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; or
 - (v) removal of nonowner records from the original owner records of motor vehicle manufacturers;
- (C) use in the normal course of business by a legitimate business or an authorized agent of the business, but only:
 - (i) to verify the accuracy of personal information submitted by the individual to the business or the agent of the business; and
 - (ii) if the information is not correct, to obtain the correct information, for the sole purpose of preventing fraud by, pursuing a legal remedy against, or recovering on a debt or security interest against the individual;
- (D) use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court;
- (E) use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual;
- (F) use by an insurer, insurance support organization, or self-insured entity, or an authorized agent of an insurer, insurance support organization, or self-insured entity, in connection with claims processing or investigation activities, antifraud activities, rating, or underwriting;
- (G) use in providing notice to an owner of a vehicle that was towed or impounded and is in the possession of a vehicle storage facility;
- (H) use by a licensed private investigator agency

or licensed security service for a purpose permitted under this section;

(I) use by an employer or an agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313;

(J) use in connection with the operation of a toll transportation facility or another type of transportation project described by Section 370.003;

(K) use by a consumer reporting agency, as defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), for a purpose permitted under that Act;

(L) use by a motor vehicle manufacturer, dealership, or distributor, or an agent of or provider of services to a motor vehicle manufacturer, dealership, or distributor, for motor vehicle market research activities, including survey research;

(M) use in the ordinary course of business by a person or authorized agent of a person who:

(i) holds a salvage vehicle dealer license issued under Chapter 2302, Occupations Code;

(ii) holds an independent motor vehicle dealer or wholesale motor vehicle auction general distinguishing number issued under Chapter 503 of this code;

(iii) holds a used automotive parts recycler license issued under Chapter 2309, Occupations Code; or

(iv) is licensed by, registered with, or subject to regulatory oversight by the Texas Department of Motor Vehicles, the Texas Department of Banking, the Department of Savings and Mortgage Lending, the Credit Union Department, the Office of Consumer Credit Commissioner, the Texas Department of Insurance, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Consumer Financial Protection Bureau, or the National Credit Union Administration; or

(N) use by an employer, principal, general contractor, nonprofit organization, charitable organization, or

religious institution to obtain or verify information relating to a person who holds a driver's license or the driving history of a person who holds a driver's license if the person is employed by, works under a contract with, or volunteers for the employer, principal, contractor, organization, or institution.

(a-1) Personal information obtained by the Texas Department of Motor Vehicles in connection with a motor vehicle record may be disclosed:

(1) when referring potential violations to the Texas Office of Consumer Credit Commissioner, the Department of Public Safety, law enforcement agencies, or the comptroller, if the personal information is necessary for carrying out regulatory functions;

(2) to the attorney general as part of a response by the Texas Department of Motor Vehicles to a subpoena or a discovery request, if the personal information is necessary for litigation purposes; or

(3) to a county assessor-collector if the personal information is related to a finding from an audit or investigation conducted under Section [520.010](#).

(a-2) Subsection (a)(2)(C) does not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a government agency.

(b) The only personal information an agency may release under this section is the individual's:

- (1) name and address;
- (2) date of birth; and
- (3) driver's license number.

(c) This section does not:

(1) prohibit the disclosure of a person's photographic image to:

(A) a law enforcement agency, the Texas Department of Motor Vehicles, a county tax assessor-collector, or a criminal justice agency for an official purpose;

(B) an agency of this state investigating an alleged violation of a state or federal law relating to the

obtaining, selling, or purchasing of a benefit authorized by Chapter 31 or 33, Human Resources Code; or

(C) an agency of this state investigating an alleged violation of a state or federal law under authority provided by Title 4, Labor Code; or

(2) prevent a court from compelling by subpoena the production of a person's photographic image.

(d) Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed to a requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the intent of the requestor is to use personal information in the motor vehicle record only for the purpose of preventing, detecting, or protecting against personal identity theft or other acts of fraud and provides any proof of the requestor's intent required by the agency.

(e) If the agency determines that the requestor intends to use personal information requested under Subsection (d) only for the represented purpose, the agency shall release to the requestor any requested personal information in the motor vehicle record.

(f) Personal information obtained by an agency under Section 411.0845, Government Code, in connection with a motor vehicle record may be disclosed as provided by that section.

(g) An agency may request that an authorized recipient or other person in possession of personal information disclosed for a use authorized by this section provide to the agency information sufficient for the agency to determine whether the authorized recipient or person has complied with this chapter, agency rules, or other law that applies to the disclosed personal information. The authorized recipient or person shall provide the requested information not later than the fifth business day after the date the agency submits the request unless the agency extends the deadline to provide a reasonable period to produce the requested information.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 7, eff. Sept. 1,

2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 26, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 869 (S.B. 76), Sec. 7, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 133, eff. September 1, 2013.

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 7, eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 8, eff. June 18, 2021.

Sec. 730.010. DISCLOSURE OF THUMB OR FINGER IMAGES PROHIBITED. Notwithstanding any other provision of this chapter, if an agency obtains an image of an individual's thumb or finger in connection with the issuance of a license, permit, or certificate to the individual, the agency may:

(1) use the image only:

(A) in connection with the issuance of the license, permit, or certificate; or

(B) to verify the identity of an individual as provided by Section 521.059; and

(2) disclose the image only if disclosure is expressly authorized by law.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1108 (H.B. 2337), Sec. 6, eff. September 1, 2005.

Sec. 730.011. FEES. Unless a fee is imposed by law, an agency that has obtained information in connection with a motor vehicle may adopt reasonable fees for disclosure of that personal information under this chapter.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.012. ADDITIONAL CONDITIONS. (a) In addition to

the payment of a fee adopted under Section 730.011, an agency may require a requestor to provide reasonable assurance:

(1) as to the identity of the requestor; and

(2) that use of the personal information will be only as authorized or that the consent of the person who is the subject of the information has been obtained.

(b) An agency may require the requestor to make or file a written application in the form and containing any certification requirement the agency may prescribe.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.0121. DELETION OF INFORMATION REQUIRED IF NOT AUTHORIZED RECIPIENT. An agency by rule shall require a requestor to delete from the requestor's records personal information received from the agency under this chapter if the requestor becomes aware that the requestor is not an authorized recipient of that information.

Added by Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 9, eff. June 18, 2021.

Sec. 730.0122. SALE PROHIBITED. (a) A person may not sell to a person who is not an authorized recipient personal information obtained by an agency in connection with a motor vehicle record.

(b) A person commits an offense if the person violates Subsection (a). An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000.

Added by Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 9, eff. June 18, 2021.

Sec. 730.0123. CIVIL SUIT. (a) A person who sells to a person who is not an authorized recipient personal information obtained by an agency in connection with a motor vehicle record is liable to the person who is the subject of the information for:

(1) actual damages;

(2) if the actual damages to the person are less than \$2,500, an additional amount so that the total amount of damages equals \$2,500; and

(3) court costs incurred by the person who is the subject of the information in bringing the action.

(b) A person whose personal information has been disclosed for compensation to a person who is not an authorized recipient may sue for:

(1) the damages, costs, and fees authorized under Subsection (a);

(2) injunctive relief; and

(3) any other equitable remedy determined to be appropriate by the court.

(c) A district court has exclusive original jurisdiction over a cause of action brought under this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 9, eff. June 18, 2021.

Sec. 730.013. REDISCLOSURE; OFFENSE. (a) An authorized recipient of personal information may not redisclose the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.

(b) An authorized recipient of personal information may redisclose the information, including redisclosure for compensation, only for a use permitted under Section 730.007.

(c) An authorized recipient who rediscloses personal information obtained from an agency shall be required by that agency to:

(1) maintain for a period of not less than five years records as to any person or entity receiving that information and the permitted use for which it was obtained; and

(2) provide copies of those records to the agency on request.

(c-1) A person who receives personal information under Subsection (b) may not redisclose the personal information, including redisclosure for compensation, to a person who is not an authorized recipient.

(c-2) An authorized recipient shall notify each person who receives personal information from the authorized recipient that

the person may not redisclose the personal information to a person who is not an authorized recipient.

(d) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 7, eff. Sept. 1, 2001.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 10, eff. June 18, 2021.

Sec. 730.014. AGENCY RULES, RECORDS, AND CONTRACTS. (a) Each agency may adopt rules to implement and administer this chapter.

(b) An agency that maintains motor vehicle records in relation to motor vehicles is not required to also maintain those records in relation to the individuals named in those records.

(c) An agency that provides a requestor access to personal information in motor vehicle records in bulk under a contract under Section 730.007 shall include in the contract:

(1) a requirement that the requestor post a performance bond in an amount of not more than \$1 million;

(2) a prohibition on the sale or redisclosure of the personal information for the purpose of marketing extended vehicle warranties by telephone;

(3) a requirement that the requestor provide proof of general liability and cyber-threat insurance coverage in an amount specified by the contracting agency that is:

(A) at least \$3 million; and

(B) reasonably related to the risks associated with unauthorized access and use of the records;

(4) a requirement that if a requestor experiences a breach of system security, as defined by Section 521.053, Business & Commerce Code, that includes data obtained under Section 730.007, the requestor must notify the agency of the breach not later than 48 hours after the discovery of the breach;

(5) a requirement that the requestor include in each contract with a third party that receives the personal information from the requestor that the third party must comply with federal and state laws regarding the records;

(6) a requirement that the requestor and any third party receiving the personal information from the requestor protect the personal information with appropriate and accepted industry standard security measures for the type of information and the known risks from unauthorized access and use of the information; and

(7) a requirement that the requestor annually provide to the agency a report of all third parties to which the personal information was disclosed under this section and the purpose of the disclosure.

(d) The bond and insurance requirements in Subsections (c)(1) and (3) do not apply to a contract under Section 730.007 between a government agency and another government agency, including a court or law enforcement agency.

(e) An agency that discloses any motor vehicle records in bulk under Section 730.007 shall include in the records at least two records that are created solely for the purpose of monitoring compliance with this chapter and detecting, by receipt of certain forms of communications or actions directed at the subjects of the created records, potential violations of this chapter or contract terms required by this section.

(f) An agency that discloses motor vehicle records shall designate an employee to be responsible for:

(1) monitoring compliance with this chapter and contract terms required by this section;

(2) referring potential violations of this chapter to law enforcement agencies; and

(3) making recommendations to the administrative head of the agency or the designee of the administrative head of the agency on the eligibility of a person under Section 730.016 to receive personal information.

(g) This subsection does not affect any rights or remedies available under a contract or any other law. If an agency

determines that a person has violated a term of a contract with the agency for the disclosure under this chapter of personal information obtained by the agency in connection with a motor vehicle record, the agency may:

(1) cease disclosing personal information to that person; and

(2) allow the person to remedy the violation and resume receiving personal information.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 11, eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 12, eff. June 18, 2021.

Sec. 730.015. PENALTY FOR FALSE REPRESENTATION. (a) A person who requests the disclosure of personal information from an agency's records under this chapter and misrepresents the person's identity or who makes a false statement to the agency on an application required by the agency under this chapter commits an offense.

(b) An offense under Subsection (a) is a Class A misdemeanor.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.016. INELIGIBILITY OF CERTAIN PERSONS TO RECEIVE, RETAIN, OR REDISCLOSE PERSONAL INFORMATION; OFFENSE. (a) A person who is convicted of an offense under this chapter, or who violates a rule adopted by an agency relating to the terms or conditions for a release of personal information, including a rule adopted under Section 730.0121:

(1) is ineligible to receive personal information under Section 730.007;

(2) not later than one year after the date of conviction or the court's final determination under this subsection, shall delete from the person's records all personal information received under this chapter; and

(3) may not redisclose personal information received under this chapter.

(b) For purposes of Subsection (a), a person is considered to have been convicted in a case if:

(1) a sentence is imposed;

(2) the defendant receives probation or deferred adjudication; or

(3) the court defers final disposition of the case.

(c) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000.

Added by Acts 2001, 77th Leg., ch. 1032, Sec. 8, eff. Sept. 1, 2001.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 13, eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 935 (S.B. 15), Sec. 14, eff. June 18, 2021.