

TITLE 13: DEPARTMENT OF MOTOR VEHICLES
Division 1, Chapter 1
Article 5.0 – Requesting Information from the Department

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 350.06 in Article 5.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Government Requester Accounts.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **December 25, 2023**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/repeal these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 1808.21, 1808.47, 1810, 1810.7 and 1811; and Civil Code section 1798.26.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 1810 authorizes the department to permit inspection of information from its records concerning the registration of a vehicle or information from the files of driver's licenses. Vehicle Code section 1810 also allows the department to adopt regulations establishing the process by which a requester provides information to the department that identifies the requester and requires an indication of the reason for which the information is requested. The department issues requester codes for commercial purposes, such as auto auctions, dealers, financial institutions, and process servers. The department also issues governmental requester codes to entities such as the federal, state, city, and county government and also used by attorney general, district attorney, public defenders. Upon verification of the information, the department issues either a commercial requester code or a government requester code. As part of the application process, the requester is also required to implement procedures to ensure the privacy of the information contained in the department's records.

The current regulation requires government requesters to complete a Government Requester Account Application, form INF 1130. This form is used by federal, state, and local agencies to access information related to the employee pull notice program, vehicle/vessel information, driver's license information, and occupational licensing information.

The department is proposing to amend the form INF 1130 and adopt a new form called the Government Requester Account Application for California Courts, Tax Collectors, and Parking/Toll Agencies, form INF 1130A. The department has determined that separating the

courts, tax collectors and parking/toll agencies from other government requesters will streamline the application process.

BENEFITS OF THE PROPOSED REGULATION

The department anticipates this action will benefit the residents of California by ensuring governmental entities applying for a requester account have robust procedures in place to ensure the information accessed will be maintained in a secure manner and only by those employees who are authorized to access and review the information.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has conducted a review of other state regulations and has determined there are no other regulations related to government requester accounts for departmental records, therefore, this proposed action is neither inconsistent nor incompatible with other state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

There are no existing federal statutes or regulations that govern governmental entities accessing departmental records.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Governmental Requester Account Application, Form INF 1130 (Rev. 4/2023)
- Governmental Requester Account Application for California Courts, Tax Collectors, and Parking/Toll Agencies, INF 1130A (Rev. 9/2023)

These forms are not published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.

- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. This proposed action does not have any costs associated with private persons.
- *Small Business Impact:* This proposed action will not impact small businesses. Section 350.06 establishes an application process only for government requesters. There are no small businesses required to comply with Section 350.06.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department does not anticipate this action will have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

ECONOMIC IMPACT ASSESSMENT (Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- Creation or Elimination of Jobs Within the State of California

This proposed action amends two forms used by entities applying for Government Requester Accounts. The rulemaking will neither create nor eliminate jobs within the State of California.

- Creation or Elimination of Existing Businesses Within the State of California

This proposed action amends two forms used by entities applying for Government Requester Accounts. The rulemaking will neither create nor eliminate existing businesses within the State of California.

- Expansion of Business Currently Doing Business Within the State of California

This proposed action amends two forms used by entities applying for Government Requester Accounts. The rulemaking will not expand businesses currently doing business within the State of California.

- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

This action is unlikely to impact the health of California residents, worker safety, or the state's environment. The department anticipates this action will benefit the welfare of California residents by adopting two forms that have been expanded to ensure entities with requester codes have in place robust procedures to ensure the safety and integrity of the information contained in the department's records.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has made the initial determination that this action will not impact, 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) the health of California residents, worker safety, or the state's environment. The department anticipates this action will benefit the welfare of California residents by adopting two forms that have been expanded to ensure entities with requester codes have in place robust procedures to ensure the safety and integrity of the information contained in the department's records.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Specialist
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.