

## ACT 194

H.B. NO. 1176

A Bill for an Act Relating to Public Records.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to establish that motor vehicle registration information furnished by an individual, as required by section 286-41, Hawaii Revised Statutes, and maintained in county files or computers pursuant to section 286-45, Hawaii Revised Statutes, constitutes a public record within the meaning of sections 92-50 and 92-51, Hawaii Revised Statutes. Article 1, Section 6 of the Constitution of the State of Hawaii affords such public records a measure of confidentiality that must be safeguarded. In order to balance these privacy rights of individuals with the right of access that occasionally inures to certain persons, specific conditions are enumerated in the revision of section 286-172, Hawaii Revised Statutes, which henceforth governs such rights of access.

SECTION 2. Section 286-172, Hawaii Revised Statutes, is amended to read as follows:

**“§286-172 Furnishing of information.** (a) Subject to authorization granted by the chief justice with respect to the traffic records of the violations bureaus of the district courts of the circuit courts, the director of transportation shall furnish:

- (1) Information contained in the statewide traffic records system to any person in response to a request from a state, a political subdivision of a state, or a federal department or agency, or any other authorized person pursuant to rules and regulations adopted by the director of transportation under chapter 91.
- (2) Motor vehicle registration information contained in the statewide traffic records system to any person under subsection (a)(1), provided that:
  - (A) Such person has a legitimate reason, as determined by the director, as provided under the rules adopted by the director under (1) above, to obtain the information for verification of vehicle ownership, traffic safety programs, or for research or statistical reports.
  - (B) Such person is required or authorized by law to give written notice by mail to owners of vehicles.

(b) Any person requesting motor vehicle registration information under subsection (a)(2) shall file an affidavit with the director stating the reasons for obtaining the information and making assurances that the information will be used only for

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such reasons, that individual identities will be properly protected, and that the information will not be used to compile a mailing list of individuals for the purposes of any commercial solicitation, or the collection of delinquent accounts or any other purpose not allowed or provided for by the rules and regulations.

(c) If any person qualifying to receive information under subsection (a)(2) requests the entire file of the motor vehicle registration information contained in the statewide traffic records system, the director shall provide the information only upon entering into a written agreement to provide the information for a fee as set by the director. In addition to such terms and conditions that the director deems advisable, the agreement shall incorporate the assurances required in the affidavit provided for in subsection (b) of this section and shall require the person receiving the information to file with the director a corporate surety bond in favor of the State in the penal sum of \$25,000, conditioned upon the full and faithful compliance of the person receiving the information with the terms and conditions of the agreement.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 18, 1981.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.