

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 540

BY BUSINESS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING CHAPTER 12, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1234, IDAHO CODE, TO PROVIDE FOR THE ONLINE INSURANCE VERIFICATION SYSTEM, TO EXEMPT CERTAIN INFORMATION FROM DISCLOSURE, TO REQUIRE THAT PEACE OFFICERS ACCESS CERTAIN INFORMATION FROM SUCH SYSTEM AND TO GRANT THE IDAHO TRANSPORTATION DEPARTMENT RULEMAKING AUTHORITY; AMENDING SECTION 9-340C, IDAHO CODE, TO EXEMPT CERTAIN INFORMATION FROM DISCLOSURE; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 12, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1234, Idaho Code, and to read as follows:

49-1234. ONLINE INSURANCE VERIFICATION SYSTEM -- PEACE OFFICER DUTIES -- RULEMAKING. (1) The department shall establish and maintain an online insurance verification system for motor vehicle insurance coverage required by the provisions of this chapter, subject to the following:

(a) The department shall consult with representatives of the insurance industry to determine the objectives, details and deadlines relating to the verification system;

(b) The verification system shall be accessible through the internet, world wide web or a similar proprietary or common carrier electronic system by authorized personnel of the department, department of insurance, courts, law enforcement entities and of any other entity authorized by the department;

(c) The verification system shall provide for direct inquiry and response between the department and insurance carriers, or such other method of inquiry and response as agreed to by the department and individual insurance carriers, and direct access to insurers' records by personnel authorized by the department;

(d) The verification system shall be capable of sending inquiries to and receiving responses from insurers for the purpose of verifying current motor vehicle insurance coverage via web services established by insurers through the internet, world wide web or a similar proprietary or common carrier electronic system, in compliance with the specifications and standards of the insurance industry committee on motor vehicle administration (IICMVA), provided that the department shall promulgate rules to provide insurers an alternative method for reporting motor vehicle insurance policy data rather than establishing web services or utilizing IICMVA's insurance data transfer guide;

(e) With the exception of unplanned system outages, the verification system shall be available twenty-four (24) hours a day to verify the

1 insurance status of any motor vehicle registered in this state through  
 2 the vehicle's identification number, policy number, registered owner's  
 3 name or other identifying characteristic or marker; provided that a  
 4 reasonable amount of downtime may be allotted for planned system out-  
 5 ages;

6 (f) The verification system shall include appropriate provisions, con-  
 7 sistent with IICMVA standards, to secure its data against unauthorized  
 8 access and to maintain a record of all information requests; and

9 (g) All information exchanged between the department and insurance  
 10 companies, any database created, all information contained in the  
 11 verification system and all reports, responses or other information  
 12 generated for the purposes of the verification system shall be exempt  
 13 from disclosure as provided in section 9-340C, Idaho Code.

14 (2) As a condition for writing motor vehicle liability insurance poli-  
 15 cies in this state, insurance carriers shall cooperate with the department  
 16 in establishing and maintaining the insurance verification system and shall  
 17 provide access to motor vehicle insurance policy status information as may  
 18 be provided in rules promulgated by the department.

19 (3) Insurers that make good faith efforts to comply with the provisions  
 20 of this section shall be immune from civil or administrative liability.

21 (4) Peace officers shall access information from the online insurance  
 22 verification system to verify the current validity of motor vehicle liabil-  
 23 ity insurance. If insurance is verified, then the peace officer shall not  
 24 issue a citation for an infraction violation of the provisions of section  
 25 49-1232, Idaho Code.

26 (5) If an Idaho uniform citation is issued to a person for an infraction  
 27 violation of the provisions of section 49-1232, Idaho Code, and it is sub-  
 28 sequently found that the legally required motor vehicle insurance coverage  
 29 was in force at the time of the issuance of the citation, then the court shall  
 30 dismiss the citation without penalty and such citation shall not appear on  
 31 the person's record.

32 (6) This section shall not apply to any vehicle insured under commer-  
 33 cial motor vehicle coverage and shall not apply to implements of husbandry.  
 34 As used in this section, "commercial motor vehicle coverage" means an insur-  
 35 ance policy that covers a business's vehicles and employees and is approved  
 36 by the department of insurance.

37 (7) The department may promulgate rules in accordance with the provi-  
 38 sions of chapter 52, title 67, Idaho Code, to carry out the provisions of this  
 39 section.

40 SECTION 2. That Section 9-340C, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 9-340C. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-  
 43 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following  
 44 records are exempt from disclosure:

45 (1) Except as provided in this subsection, all personnel records of  
 46 a current or former public official other than the public official's pub-  
 47 lic service or employment history, classification, pay grade and step,  
 48 longevity, gross salary and salary history, status, workplace and employing  
 49 agency. All other personnel information relating to a public employee or ap-

1 plicant including, but not limited to, information regarding sex, race, mar-  
 2 ital status, birth date, home address and telephone number, applications,  
 3 testing and scoring materials, grievances, correspondence and performance  
 4 evaluations, shall not be disclosed to the public without the employee's or  
 5 applicant's written consent. Names of applicants to classified or merit  
 6 system positions shall not be disclosed to the public without the appli-  
 7 cant's written consent. Disclosure of names as part of a background check  
 8 is permitted. Names of the five (5) final applicants to all other positions  
 9 shall be available to the public. If such group is less than five (5) final-  
 10 lists, then the entire list of applicants shall be available to the public. A  
 11 public official or authorized representative may inspect and copy his per-  
 12 sonnel records, except for material used to screen and test for employment.

13 (2) Retired employees' and retired public officials' home addresses,  
 14 home telephone numbers and other financial and nonfinancial membership  
 15 records; active and inactive member financial and membership records and  
 16 mortgage portfolio loan documents maintained by the public employee retire-  
 17 ment system. Financial statements prepared by retirement system staff,  
 18 funding agents and custodians concerning the investment of assets of the  
 19 public employee retirement system of Idaho are not considered confidential  
 20 under this chapter.

21 (3) Information and records submitted to the Idaho state lottery for  
 22 the performance of background investigations of employees, lottery retail-  
 23 ers and major procurement contractors; audit records of lottery retailers,  
 24 vendors and major procurement contractors submitted to or performed by the  
 25 Idaho state lottery; validation and security tests of the state lottery for  
 26 lottery games; business records and information submitted pursuant to sec-  
 27 tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-  
 28 ments and information obtained and held for the purposes of lottery security  
 29 and investigative action as determined by lottery rules unless the public  
 30 interest in disclosure substantially outweighs the private need for protec-  
 31 tion from public disclosure.

32 (4) Records of a personal nature as follows:

33 (a) Records of personal debt filed with a public agency or independent  
 34 public body corporate and politic pursuant to law;

35 (b) Personal bank records compiled by a public depositor for the pur-  
 36 pose of public funds transactions conducted pursuant to law;

37 (c) Records of ownership of financial obligations and instruments of a  
 38 public agency or independent public body corporate and politic, such as  
 39 bonds, compiled by the public agency or independent public body corpo-  
 40 rate and politic pursuant to law;

41 (d) Records, with regard to the ownership of, or security interests in,  
 42 registered public obligations;

43 (e) Vital statistics records; and

44 (f) Military records as described in and pursuant to section 65-301,  
 45 Idaho Code.

46 (5) Information in an income or other tax return measured by items of  
 47 income or sales, which is gathered by a public agency for the purpose of ad-  
 48 ministering the tax, except such information to the extent disclosed in a  
 49 written decision of the tax commission pursuant to a taxpayer protest of a

1 deficiency determination by the tax commission, under the provisions of sec-  
2 tion 63-3045B, Idaho Code.

3 (6) Records of a personal nature related directly or indirectly to the  
4 application for and provision of statutory services rendered to persons  
5 applying for public care for people who are elderly, indigent or have mental  
6 or physical disabilities, or participation in an environmental or a public  
7 health study, provided the provisions of this subsection making records  
8 exempt from disclosure shall not apply to the extent that such records or  
9 information contained in those records are necessary for a background check  
10 on an individual that is required by federal law regulating the sale of  
11 firearms, guns or ammunition.

12 (7) Employment security information, except that a person may agree,  
13 through written, informed consent, to waive the exemption so that a third  
14 party may obtain information pertaining to the person, unless access to  
15 the information by the person is restricted by subsection (3)(a), (3)(b)  
16 or (3)(d) of section 9-342, Idaho Code. Notwithstanding the provisions of  
17 section 9-342, Idaho Code, a person may not review identifying information  
18 concerning an informant who reported to the department of labor a suspected  
19 violation by the person of the employment security law, chapter 13, title 72,  
20 Idaho Code, under an assurance of confidentiality. As used in this section  
21 and in chapter 13, title 72, Idaho Code, "employment security information"  
22 means any information descriptive of an identifiable person or persons that  
23 is received by, recorded by, prepared by, furnished to or collected by the  
24 department of labor or the industrial commission in the administration of  
25 the employment security law.

26 (8) Any personal records, other than names, business addresses and  
27 business phone numbers, such as parentage, race, religion, sex, height,  
28 weight, tax identification and social security numbers, financial worth or  
29 medical condition submitted to any public agency or independent public body  
30 corporate and politic pursuant to a statutory requirement for licensing,  
31 certification, permit or bonding.

32 (9) Unless otherwise provided by agency rule, information obtained as  
33 part of an inquiry into a person's fitness to be granted or retain a license,  
34 certificate, permit, privilege, commission or position, private associa-  
35 tion peer review committee records authorized in title 54, Idaho Code. Any  
36 agency which has records exempt from disclosure under the provisions of this  
37 subsection shall annually make available a statistical summary of the number  
38 and types of matters considered and their disposition.

39 (10) The records, findings, determinations and decisions of any prelit-  
40 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

41 (11) Complaints received by the board of medicine and investigations  
42 and informal proceedings, including informal proceedings of any committee  
43 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and  
44 rules adopted thereunder.

45 (12) Records of the department of health and welfare or a public health  
46 district that identify a person infected with a reportable disease.

47 (13) Records of hospital care, medical records, including prescrip-  
48 tions, drug orders, records or any other prescription information that  
49 specifically identifies an individual patient, prescription records main-  
50 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho

1 Code, records of psychiatric care or treatment and professional counseling  
2 records relating to an individual's condition, diagnosis, care or treat-  
3 ment, provided the provisions of this subsection making records exempt from  
4 disclosure shall not apply to the extent that such records or information  
5 contained in those records are necessary for a background check on an indi-  
6 vidual that is required by federal law regulating the sale of firearms, guns  
7 or ammunition.

8 (14) Information collected pursuant to the directory of new hires act,  
9 chapter 16, title 72, Idaho Code.

10 (15) Personal information contained in motor vehicle and driver records  
11 that is exempt from disclosure under the provisions of chapter 2, title 49,  
12 Idaho Code.

13 (16) Records of the financial status of prisoners pursuant to subsec-  
14 tion (2) of section 20-607, Idaho Code.

15 (17) Records of the Idaho state police or department of correction re-  
16 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to  
17 DNA databases and databanks.

18 (18) Records of the department of health and welfare relating to a sur-  
19 vey, resurvey or complaint investigation of a licensed nursing facility  
20 shall be exempt from disclosure. Such records shall, however, be subject to  
21 disclosure as public records as soon as the facility in question has received  
22 the report, and no later than the fourteenth day following the date that  
23 department of health and welfare representatives officially exit the facil-  
24 ity pursuant to federal regulations. Provided however, that for purposes  
25 of confidentiality, no record shall be released under this section which  
26 specifically identifies any nursing facility resident.

27 (19) Records and information contained in the registry of immunizations  
28 against childhood diseases maintained in the department of health and wel-  
29 fare, including information disseminated to others from the registry by the  
30 department of health and welfare.

31 (20) Records of the Idaho housing and finance association (IHFA) relat-  
32 ing to the following:

33 (a) Records containing personal financial, family, health or similar  
34 personal information submitted to or otherwise obtained by the IHFA;

35 (b) Records submitted to or otherwise obtained by the IHFA with regard  
36 to obtaining and servicing mortgage loans and all records relating to  
37 the review, approval or rejection by the IHFA of said loans;

38 (c) Mortgage portfolio loan documents;

39 (d) Records of a current or former employee other than the employee's  
40 duration of employment with the association, position held and loca-  
41 tion of employment. This exemption from disclosure does not include the  
42 contracts of employment or any remuneration, including reimbursement  
43 of expenses, of the executive director, executive officers or commis-  
44 sioners of the association. All other personnel information relating  
45 to an association employee or applicant including, but not limited to,  
46 information regarding sex, race, marital status, birth date, home ad-  
47 dress and telephone number, applications, testing and scoring materi-  
48 als, grievances, correspondence, retirement plan information and per-  
49 formance evaluations, shall not be disclosed to the public without the  
50 employee's or applicant's written consent. An employee or authorized

1 representative may inspect and copy that employee's personnel records,  
2 except for material used to screen and test for employment or material  
3 not subject to disclosure elsewhere in the Idaho public records act.

4 (21) Records of the department of health and welfare related to child  
5 support services in cases in which there is reasonable evidence of domestic  
6 violence, as defined in chapter 63, title 39, Idaho Code, that can be used  
7 to locate any individuals in the child support case except in response to a  
8 court order.

9 (22) Records of the Idaho state bar lawyer assistance program pursuant  
10 to chapter 49, title 54, Idaho Code, unless a participant in the program au-  
11 thORIZes the release pursuant to subsection (4) of section 54-4901, Idaho  
12 Code.

13 (23) Records and information contained in the trauma registry created  
14 by chapter 20, title 57, Idaho Code, together with any reports, analyses and  
15 compilations created from such information and records.

16 (24) Records contained in the court files, or other records prepared as  
17 part of proceedings for judicial authorization of sterilization procedures  
18 pursuant to chapter 39, title 39, Idaho Code.

19 (25) The physical voter registration card on file in the county clerk's  
20 office; however, a redacted copy of said card shall be made available consis-  
21 tent with the requirements of this section. Information from the voter reg-  
22 istration card maintained in the statewide voter registration database, in-  
23 cluding age, will be made available except for the voter's driver's license  
24 number, date of birth and, upon a showing that the voter comes within the pro-  
25 visions of subsection (30) of this section or upon showing of good cause by  
26 the voter to the county clerk in consultation with the county prosecuting  
27 attorney, the physical residence address of the voter. For the purposes of  
28 this subsection good cause shall include the protection of life and property  
29 and protection of victims of domestic violence and similar crimes.

30 (26) File numbers, passwords and information in the files of the health  
31 care directive registry maintained by the secretary of state under section  
32 39-4515, Idaho Code, are confidential and shall not be disclosed to any per-  
33 son other than to the person who executed the health care directive or the re-  
34 vocation thereof and that person's legal representatives, to the person who  
35 registered the health care directive or revocation thereof, and to physi-  
36 cians, hospitals, medical personnel, nursing homes, and other persons who  
37 have been granted file number and password access to the documents within  
38 that specific file.

39 (27) Records in an address confidentiality program participant's file  
40 as provided for in chapter 57, title 19, Idaho Code, other than the address  
41 designated by the secretary of state, except under the following circum-  
42 stances:

43 (a) If requested by a law enforcement agency, to the law enforcement  
44 agency; or

45 (b) If directed by a court order, to a person identified in the order.

46 (28) Except as otherwise provided by law relating to the release of in-  
47 formation to a governmental entity or law enforcement agency, any personal  
48 information including, but not limited to, names, personal and business ad-  
49 dresses and phone numbers, sex, height, weight, date of birth, social secu-  
50 rity and driver's license numbers, or any other identifying numbers and/or

1 information related to any Idaho fish and game licenses, permits and tags un-  
2 less written consent is obtained from the affected person.

3 (29) Documents and records related to continuing education and record-  
4 keeping violations that are maintained by the Idaho board of veterinary  
5 medicine under the provisions of section 54-2118(1)(b), Idaho Code, pro-  
6 vided the requirements set forth therein are met.

7 (30) The Idaho residential street address and telephone number of an  
8 eligible law enforcement officer and such officer's residing household mem-  
9 ber(s) as provided for in chapter 58, title 19, Idaho Code, except under the  
10 following circumstances:

11 (a) If directed by a court order, to a person identified in the court  
12 order;

13 (b) If requested by a law enforcement agency, to the law enforcement  
14 agency;

15 (c) If requested by a financial institution or title company for busi-  
16 ness purposes, to the requesting financial institution or title com-  
17 pany; or

18 (d) If the law enforcement officer provides written permission for dis-  
19 closure of such information.

20 (31) All information exchanged between the Idaho transportation de-  
21 partment and insurance companies, any database created, all information  
22 contained in the verification system and all reports, responses or other  
23 information generated for the purposes of the verification system, pursuant  
24 to section 49-1234, Idaho Code.

25 (32) Nothing in this section shall prohibit the release of information  
26 to the state controller as the state social security administrator as pro-  
27 vided in section 59-1101A, Idaho Code.

28 SECTION 3. This act shall be in full force and effect on and after Jan-  
29 uary 1, 2014.