

ARTICLE V. FEES

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CHAPTER 95. SALE, PUBLICATION OR DISCLOSURE OF DRIVER, VEHICLE AND ACCIDENT RECORDS AND INFORMATION

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Authority

The provisions of this Chapter 95 issued under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 6114, unless otherwise noted.

Source

The provisions of this Chapter 95 adopted August 1, 1980, effective August 2, 1980, 10 Pa.B. 3270, unless otherwise noted.

§ 95.1. Purpose.

This chapter establishes guidelines relating to the sale, publication or disclosure of driver, vehicle and accident records and information to implement 75 Pa.C.S. §§ 1955, 1956, 3747, 3751(b), 3753(b) and 6114(b) (relating to information concerning drivers and vehicles; certified copies of record; written report of accident by driver or owner; reports by police; Department to tabulate and analyze accident reports; and limitation on sale, publication and disclosure of records).

§ 95.2. Requests pertaining to specific drivers, vehicles or accidents.

(a) *Information pertaining to vehicle security interests, judgment debtors and driving records.* Information pertaining to vehicle security interests, judgment debtors and driving records shall be available as follows:

- (1) Vehicle security interest information; driving records, including violations, convictions, points, suspensions, revocations, Departmental actions, physical and other examinations, accident involvement information and photo-

copies of driving record source documents; and, information relating to the status of the registration and operating privileges of a judgment debtor will be available only to:

- (i) The owner or driver.
- (ii) Persons authorized in writing by the owner or driver.
- (iii) Persons authorized by court order.
- (iv) Federal, Commonwealth or local governmental agencies, including police, for use in fulfilling legitimate governmental functions.
- (v) Persons who have filed a statement acceptable to the Department, certifying the intended use of the record. In the case of driving records, the statement shall be notarized, and shall indicate a legitimate business need for the driving record in connection with a business transaction involving the driver within the meaning of the Fair Credit Reporting Act (15 U.S.C.A. §§ 1681—1681t).

(2) Information pertaining to vehicle security interests, driving records and judgment debtors will be provided:

- (i) At a fee of \$5 per record; except
- (ii) Free to:
  - (A) Commonwealth and local governmental agencies within the Commonwealth.
  - (B) Agencies of the Federal government and reciprocating states.

(b) *Department notices.* Department notices will be available as follows:

(1) Photocopies of notices of Departmental actions concerning a driver will be available only to:

- (i) The driver.
- (ii) Persons authorized in writing by the driver.
- (iii) Persons authorized by court order.
- (iv) Federal, Commonwealth or local government agencies, including police, for use in fulfilling legitimate governmental functions.

(2) Photocopies of notices of Department actions concerning a driver shall be provided:

- (i) At a fee of \$5 per record; except
- (ii) Free to:
  - (A) Commonwealth and local governmental agencies within the Commonwealth.
  - (B) Agencies of the Federal Government and reciprocating states.

(c) *Basic driver license and vehicle records.* Basic driver license and vehicle records will be available as follows:

(1) Basic driver license information, limited to name, address, Pennsylvania driver's license number and date of birth; vehicle registration and title information; and, photocopies of vehicle record source documents will be provided:

- (i) At a fee of \$5.00 per record, form or supporting document; except

- (ii) Free to:
  - (A) Commonwealth and local governmental agencies within the Commonwealth.
  - (B) Agencies of the Federal government and reciprocating states.
- (d) *Mass record interrogations*. Mass driver license and vehicle registration interrogations will be:
  - (1) Available only to:
    - (i) Governmental agencies which meet Department specifications for data processing input and output.
    - (ii) Persons or agencies under contract to governmental agencies who are engaged in research, traffic safety programs or another program deemed by the Department to be in the public interest. A statement, acceptable to the Department, shall be filed with the Department certifying the purpose and use of the data. Information provided may not be used for the purposes of solicitation, endorsement or the compilation of mailing lists.
    - (iii) Persons who collect vehicle record data for programs determined by the Department to be in the public interest. An affidavit, acceptable to the Department, shall be filed with the Department certifying the purpose and use of the vehicle record data. Information provided may not be used for the purposes of solicitation, endorsement or the compilation of mailing lists other than for vehicle recall campaigns.
  - (2) Provided at a fee based on cost of compiling and extracting data except for those agencies as provided in paragraph (1)(i) and (ii), when the Department at its discretion, will set the fee at the cost, including authorized overhead charges, of extracting the records.
- (e) *Accident reports*. Accident records shall be available as follows:
  - (1) Driver reports filed under 75 Pa.C.S. § 3747 (relating to written report of accident by driver or owner):
    - (i) Available only to:
      - (A) The driver or occupant who filed the report.
      - (B) Persons with power of attorney from the driver or occupant who filed the report.
      - (C) Governmental agencies for accident prevention purposes or highway safety research.
      - (D) Persons determined by the Department to be engaged in accident prevention or highway safety research programs.
    - (ii) Provided at a fee of \$5.00 per report, except:
      - (A) Free to Commonwealth and local governmental agencies within the Commonwealth and agencies of the Federal government.
      - (B) Twenty-five cents per page for persons described in subparagraph (i)(D).
  - (2) An accident report certificate indicating that a specified accident report has or has not been filed by a driver or owner in compliance with 75 Pa.C.S.

§ 3747, including the date, time and location of the accident, the names and addresses of the drivers and the owners of the vehicles involved will be:

- (i) Available only to:
  - (A) A party to a trial, their attorney or the court.
  - (B) Police or district attorney if a driver is charged with filing a false accident report under 75 Pa.C.S. § 3748 (relating to false reports).
- (ii) Provided at a fee of \$5.00, except that police and district attorneys shall be furnished copies free of charge.
- (3) Police reports filed under 75 Pa.C.S. § 3751 (relating to reports by police) will be:
  - (i) Available only to:
    - (A) Federal government, including branches of the military service, Commonwealth agencies and officials of political subdivisions and agencies of other States and nations and their political subdivisions.
    - (B) Persons who are determined by the Department to be involved in accident prevention or highway safety research programs.
    - (C) Persons involved in the accident, their attorney, or insurer if they can furnish proof that the accident report is missing or lost and, therefore, unavailable from the reporting police department.
    - (D) Persons authorized by court order.
  - (ii) Provided at a fee of \$5.00, except:
    - (A) Free to Commonwealth and local governmental agencies within the Commonwealth.
    - (B) Twenty-five cents per page for persons as described in subparagraph (i)(B).
    - (C) Twenty-five cents per page to agencies of the Federal government and other states.
- (4) Accident abstract reports indicating name and address of driver and insurer in compliance with 75 Pa.C.S. § 3747(e) will be:
  - (i) Available only to:
    - (A) Police or district attorney.
    - (B) Persons involved in the accident or their attorney or insurer.
  - (ii) Provided at a fee of \$5, except free to police and district attorneys.

**§ 95.3. Requests for compilations of data and statistical information.**

(a) *Availability.* Compilations of data and statistical information will be made available at the discretion of the Department, based on the Department's evaluation of the public interest served by the requested compilation and the ability of the Department to provide the data without undue interference with mandated Department functions.

(b) *Fee.* A compilation will be priced on the basis of the cost to the Department of compiling the requested data, including authorized overhead charges except when the Department, at its discretion, disseminates the information in the public interest at no charge.

#### § 95.4. Highway safety reports.

(a) *Availability.* Reports prepared specifically for the internal use of the Department in supporting highway safety programs and based, in part, on confidential information—such as, indepth accident reports—will be available only to:

(1) Governmental agencies for accident prevention purposes on highway safety research.

(2) Persons determined by the Department to be involved in accident-prevention or highway safety research programs.

(b) *Fees.* Fees shall be as follows:

(1) Highway safety reports shall be provided:

(i) Free of charge to:

(A) Commonwealth and local governmental agencies within the Commonwealth, or persons or agencies in accident prevention or highway safety research program under contract with Commonwealth agencies.

(B) Agencies of the Federal government when the report is mandated as a reporting requirement.

(ii) At a price based on the cost of the Department of compiling the report, including authorized overhead charges.

(2) Persons described in subsection (a)(2) may, at the discretion of the Department, review previously prepared reports at the Department offices where they are maintained at no cost.

#### § 95.5. Procedures.

(a) *Compliance.* Requests for information shall be made in compliance with procedures prescribed by the Department, and, when applicable, on Department forms.

(b) *Fees.* Requests for information shall be accompanied by the applicable fee, unless an account has been established with the Department. If for any reason a request cannot be processed, no refund will be made; when the requestor has an established account, the account of the requestor will be charged.

#### § 95.6. Special exemption from fees.

When disclosure of driver, vehicle or accident information is determined by the Department to be necessary in the interest of protecting the health, and safety of residents of this Commonwealth or other states or nations, the Department may exempt the requesting party from any or all fees.

**§ 95.7. Penalties.**

A requesting party found to have wilfully violated this chapter will be denied further access to the information mentioned in this chapter for a period as will be determined at a Departmental hearing.

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