

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 253 (First Edition)

**SHORT TITLE:** Release of DMV Information

**SPONSOR(S):** Senator Gulley, et al.

<b>FISCAL IMPACT</b>				
<b>Yes ( )</b>	<b>No (x)</b>	<b>No Estimate Available ( )</b>		
<b><u>FY 1999-00</u></b>	<b><u>FY 2000-01</u></b>	<b><u>FY 2001-02</u></b>	<b><u>FY 2002-03</u></b>	<b><u>FY 2003-04</u></b>
<b>REVENUES</b>				
<b>EXPENDITURES</b>				
<b>POSITIONS:</b>				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Division of Motor Vehicles (DMV)				
<b>EFFECTIVE DATE:</b> Upon enactment				

**BILL SUMMARY:** Provides that DMV shall release personal information for bulk distributions of surveys, marketing, or solicitations only with prior written approval of the individual.

**ASSUMPTIONS AND METHODOLOGY:** Current law prohibits the release of personal information contained in DMV records for marketing until January 1, 2000. The proposed Bill would prohibit release of the information after that date unless the Division receives prior written permission from the individual about whom the information is requested. It is impossible to determine how many persons would give written permission for personal information to be sold for purposes of marketing but the general assumption is that the number would be small. If it is assumed that few persons would provide this written permission, then the situation would be essentially the same after January 1, 2000 as under current law and there would be no fiscal impact.

In the less likely event that all or most persons would give written permission for information in their records to be sold for marketing, then there is the potential for revenue to be lost beginning January 1, 2000 when the current prohibition expires. DMV estimates that it received the following amounts from the sale of bulk records for the purposes specified in the Bill:

FY 1996-97	\$24,972
FY 1997-98	68,834

These revenues were generated when the Division was charging \$20 per thousand records under "bulk requests." In May 1998, however, DMV management determined that the fees that they had been charging for bulk records were not in compliance with the Public Records Law (PRL). The PRL requires that uncertified copies of public records not covered by statute must be provided at the actual cost of reproduction, including computer time, cost of special programming, postage, paper, diskettes, etc. The result is that, for example, a one-time request for 46,233 records that would have been billed at \$924.66 (\$20 per thousand) would now be billed at the actual cost of \$.19 for CPU time.

It is impossible to estimate the revenues that would accrue under the new pricing structure and would be lost under the proposed Bill, but it is likely that they would be inconsequential and would be balanced by the costs incurred.

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

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**APPROVED BY:** Tom Covington

**DATE:** Monday, March 15, 1999



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