

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 518

Session of
1977

INTRODUCED BY MESSRS. PETRARCA, LAUDADIO, MANDERINO, DeMEDIO, GEORGE, STEWART, BITTINGER, MRS. WISE, MESSRS. DONATUCCI, LETTERMAN, LOGUE, BERLIN, KOLTER, LIVENGOD, BRANDT, LAUGHLIN, OLIVER, O'KEEFE, MISCEVICH, RIEGER, ZWIKL, DiCARLO, MRS. KELLY, MESSRS. KOWALYSHYN, BERTSON, PITTS, MRKONIC, STAPLETON, GARZIA, LINCOLN, D. M. O'BRIEN, McCALL, FRYER, NOVAK, TAYLOR, SHUMAN, A. C. FOSTER, ZORD, RUGGIERO, LYNCH, CAPUTO, CIMINI, DOMBROWSKI, POLITE, GLEESON, TRELLO, ABRAHAM, COWELL, MRS. KERNICK, MESSRS. GEISLER, M. M. MULLEN, REED, PRATT, MILLER, MILLIRON, ARTHURS, J. L. WRIGHT, YAHNER, SHUPNIK, SALVATORE, L. E. SMITH, PARKER, CESSAR, PYLES, TADDONIO, VALICENTI, McGINNIS, KLINGAMAN, BURNS, KUSSE, W. D. HUTCHINSON, W. W. FOSTER, RENWICK, HOPKINS, MRS. GILLETTE, MESSRS. KATZ, WILT, BRUNNER, RAVENSTAHL, RHODES, SCHMITT, MUSTO, RICHARDSON, BARBER, GIAMMARCO, BELLOMINI, NOYE, RAPPAPORT, WEIDNER AND JOHNSON,
MARCH 7, 1977

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 7, 1977

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes further regulating the sale, publication and
3 disclosure of records and providing an increased penalty.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 6114 of Title 75, act of November 25,
7 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
8 Statutes, added June 17, 1976 (No.81), is amended to read:

9 § 6114. Limitation on sale, publication and disclosure of
10 records.

11 (a) Offenses defined.--It is unlawful for:

1 (1) Any police officer, or any officer, employee or
2 agent of any Commonwealth agency or local authority which
3 makes or receives records or reports required to be filed
4 under this title to sell, publish or disclose or offer to
5 sell, publish or disclose records or reports which relate to
6 the driving record of any person.

7 (2) Any person to purchase, secure or procure or offer
8 to purchase, secure or procure records or reports described
9 in paragraph (1).

10 (b) Exceptions.--This section does not apply to records or
11 reports:

12 (1) Required or authorized under this title to be sold,
13 published or disclosed.

14 (2) Authorized in writing by the person who is the
15 subject of the record or report to be sold, published or
16 disclosed. A police officer, or officer, employee or agent of
17 a Commonwealth agency or local authority may rely on a
18 certification from a person requesting a record or report
19 under this paragraph that its sale, publication or disclosure
20 has been authorized by the person who is the subject of the
21 record or report. In the event such sale, publication or
22 disclosure shall not have been authorized, the person who
23 made the false certification, rather than the police officer
24 or officer, employee or agent of the Commonwealth agency or
25 local authority, shall be guilty of the offense defined by
26 this section.

27 (3) Required to be released by order of court.

28 [(4) Authorized by departmental regulation to be sold,
29 published or disclosed to any Federal, State or local
30 governmental agency for the sole purpose of exercising a

1 legitimate governmental function or duty. Such records or
2 reports shall not be resold, published or disclosed by the
3 receiving agency for any commercial purpose nor without prior
4 departmental approval.

5 (5) Purchased by a person who, in compliance with the
6 Fair Credit Reporting Act (84 Stat. 1127-1136, 15 U.S.C. §
7 1601 et seq.), has filed with the department an affidavit, in
8 form acceptable to the department, certifying the intended
9 use of said record or reports.]

10 (c) Penalty.--Any offense under this section is a [summary
11 offense punishable by a fine of \$100.] misdemeanor of the third
12 degree punishable by a fine of \$2,500 or imprisonment of one
13 year, or both.

14 Section 2. This act shall take effect immediately.