

obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title.

(b) FALSE REPRESENTATION.—It shall be unlawful for any person to make false representation to obtain any personal information from an individual’s motor vehicle record.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

§ 2723. Penalties

(a) CRIMINAL FINE.—A person who knowingly violates this chapter shall be fined under this title.

(b) VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES.—Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5,000 a day for each day of substantial noncompliance.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

§ 2724. Civil action

(a) CAUSE OF ACTION.—A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

(b) REMEDIES.—The court may award—

- (1) actual damages, but not less than liquidated damages in the amount of \$2,500;
(2) punitive damages upon proof of willful or reckless disregard of the law;
(3) reasonable attorneys’ fees and other litigation costs reasonably incurred; and
(4) such other preliminary and equitable relief as the court determines to be appropriate.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

§ 2725. Definitions

In this chapter—

- (1) “motor vehicle record” means any record that pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;
(2) “person” means an individual, organization or entity, but does not include a State or agency thereof;
(3) “personal information” means information that identifies an individual, including an individual’s photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver’s status.<sup>1</sup>

(4) “highly restricted personal information” means an individual’s photograph or image, social security number, medical or disability information; and

<sup>1</sup> So in original. The period probably should be a semicolon.

(5) “express consent” means consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106-229.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2102; amended Pub. L. 106-346, §101(a) [title III, §309(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A-24.)

REFERENCES IN TEXT

Section 106(5) of Public Law 106-229, referred to in par. (5), is classified to section 7006(5) of Title 15, Commerce and Trade.

AMENDMENTS

2000—Pars. (4), (5). Pub. L. 106-346 added pars. (4) and (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2721 of this title.

PART II—CRIMINAL PROCEDURE

Table with 2 columns: Chap. and Sec. listing various criminal procedure sections such as 201. General provisions, 203. Arrest and commitment, etc.

AMENDMENTS

2000—Pub. L. 106-523, §2(b), Nov. 22, 2000, 114 Stat. 2492, added item for chapter 212.
1994—Pub. L. 103-359, title VIII, §803(c)(1), Oct. 14, 1994, 108 Stat. 3439, substituted “terrorist acts and espionage” for “terrorists acts” in item for chapter 204.
Pub. L. 103-322, title VI, §60002(b), Sept. 13, 1994, 108 Stat. 1968, added item for chapter 228.
1988—Pub. L. 100-702, title IV, §404(a)(1), Nov. 19, 1988, 102 Stat. 4651, struck out item 237 “Rules of criminal procedure”.

<sup>1</sup> So in original. First word only of item should be capitalized.
<sup>2</sup> So in original. Does not conform to chapter heading and first word only of item should be capitalized.