

STATE OF TEXAS *
COUNTY OF TRAVIS *

**SERVICE CONTRACT TO OBTAIN THE
TEXAS MOTOR VEHICLE TITLE AND REGISTRATION (VTR) DATABASE**

THIS CONTRACT, is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and

hereinafter called the "Purchaser."

WITNESSETH

WHEREAS, Transportation Code, Chapter 502, establishes that the State is responsible for administering and retaining Texas motor vehicle title and registration database records (MVRs); and

WHEREAS, this contract is made in accordance with the provisions of Transportation Code, Section 502.008; and

WHEREAS, the Purchaser requests from the State authority to obtain information by purchase of the VTR database; and

WHEREAS, the Driver's Privacy Protection Act (18 U.S.C. §2721) authorizes the department to disclose personal information contained in the department motor vehicle records only in accordance with that Act; and

WHEREAS, the State will provide the Vehicle Title and Registration (VTR) Database provided the Purchaser agrees to the terms and conditions of this contract; and

WHEREAS, the Commission, by Minute Order 106912, dated August 29, 1996, adopted Title 43, Texas Administrative Code, Chapter 3, establishing the costs the State may assess a Purchaser of the VTR database;

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties do hereby agree as follows:

The State shall provide the VTR database, as indicated below, to the Purchaser under the following conditions:

1. INFORMATION AVAILABLE:

The State will make available, in accordance with the Federal Driver Privacy Protection Act (18 U.S.C. §2721), attached as Attachment "B": Motor Vehicle Registration and Title (VTR) Database on magnetic tape or via electronic transfer; and

- b) Weekly Updates to the Motor Vehicle Registration and Title (VTR) Database on magnetic tape or via electronic transfer.

The Purchaser requests authority to obtain the following information (initial which are applicable):

<u>RH</u>	VTR Database
<u>RH</u>	Weekly Updates to VTR Database

2. CERTIFICATION OF USE:

Effective December 1, 2000, the State may release privacy protected personal information contained in motor vehicle records (MVRs), as defined in 18 U.S.C. §2725, only if the Purchaser certifies its intended uses of the information in Attachment "A" to this contract. Certified intended uses include only those uses for which the Purchaser itself will actually employ the information; certified intended uses do not include uses that are speculative or that will be engaged in by persons acquiring the information from the Purchaser. If the Purchaser's intended use of the information is not one of the permitted uses, the State will not release of the privacy protected personal information.

3. RESTRICTIONS:

- A. The Purchaser may only use VTR database information obtained from the State in accordance with 18 U.S.C. §2721 and only for the permitted use or uses certified to in Attachment "A" of this contract, if applicable; and
- B. A Purchaser obtaining Weekly Updates from the State must apply the updated motor vehicle record information to their existing data no later than one week after receipt of a Weekly Update.
- C. **Resale and redisclosure:** A purchaser obtaining privacy protected personal information from MVRs may only resell or redisclose the privacy protected information for a permitted use authorized by law and must maintain records of any entity or person that received the information and the permitted use for which it was obtained. These records must be maintained for a period of not less than five (5) years and must be made available to the State for inspection, upon request.

Any person or entity obtaining privacy protected information from the Purchaser, directly or

indirectly, must comply fully with the provisions of the federal Driver's Privacy Protection Act (18 U.S.C. Section 2721). Any violation of the above federal law by a person or entity acquiring privacy protected information from the Purchaser, directly or indirectly, will be considered a breach of this contract by the Purchaser.

The Purchaser shall immediately inform the State if privacy protected information provided to the Purchaser is disclosed in violation of the federal Driver's Privacy Protection Act (18 U.S.C. Section 2721). This obligation applies whether the disclosure was by the Purchaser or by a person or entity that acquired privacy protected information from the Purchaser, directly or indirectly.

4. TERM OF CONTRACT:

This contract becomes effective upon agreement and execution by both parties. The contract is subject to a continuous automatic annual renewal if all parties are in agreement.

The State reserves the right to amend this contract at any time or to waive any violations of this contract by the Purchaser. The Purchaser may amend its statement of certified uses at any time by submitting a signed statement to that effect.

5. CONTACT INFORMATION

- A. Technical assistance regarding the information provided may be obtained by contacting the VTR, Production Data Control Branch, at (512) 467-5983, (512) 467-5940 or (512) 465-7950 (Monday through Friday 8:00 AM- 5:00 PM).
- B. Customers with questions or complaints concerning personal solicitation or privacy concerns should be referred to the VTR Customer Help Desk at (512) 465-7611 (Monday through Friday 8:00 AM- 5:00 PM).

6. CHANGE OF STATUS:

Termination by Purchaser. The Purchaser may terminate this contract in writing at any time.

Automatic Termination. This contract will automatically terminate if the Purchaser ceases to conduct business, if the Purchaser substantially changes the nature of its business, if the Purchaser sells its business, if there is a significant change in the ownership of the Purchaser, or if the Purchaser dies. The Purchaser, its successor in interest, or its personal representative will immediately notify the State in writing of any change in status that would implicate this paragraph.

Effect of Termination. If the contract is terminated under this section, the Purchaser's successor in interest will be eligible to apply for and execute a new contract.

7. TERMINATION OR DEFAULT:

Termination by State. The State may terminate this contract in writing at any time for any reason.

Termination for Cause. Without limiting the foregoing, the State may immediately terminate this contract, without notice, for any violation of the terms of this contract or for any violation of any state or federal law relating to the information provided by the State under this contract.

8. COMPLIANCE WITH LAWS:

The Purchaser shall comply with all applicable Federal, State, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any court, or administrative bodies or tribunals in any matter affecting the performance of this contract. By signing this agreement, the Purchaser certifies that he or she will comply with the provisions of the federal Driver's Privacy Protection Act (18 U.S.C. Section 2721), including, but not limited to, limiting usage to the permissible uses under that Act.

9. AMENDMENTS:

Any changes in the terms and conditions of this contract must be enacted by a written amendment, executed by all parties to this contract.

10. LIMITATION OF LIABILITY:

The Purchaser shall save harmless the State from any liability which may arise from the Purchaser's use of the VTR database, and the State makes no representation or warranty as to the use, result, or accuracy of data contained therein.

11. PRIOR CONTRACTS SUPERSEDED:

This contract constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings and/or written agreements between the State and the Purchaser respecting the subject matter described herein.

12. SIGNATORY AUTHORITY:

The undersigned for the Purchaser represents and warrants that he/she is an officer of the organization for which he/she has executed this contract and that he/she has the full and complete authority to enter into this contract on behalf of the Purchaser.

IN TESTIMONY HEREOF, the parties to this contract have caused these presents to be executed in duplicate counterparts.

BY: NORTH TEXAS TOLLWAY AUTHORITY
THE PURCHASER
Rick Herrington Signature
RICK HERRINGTON Name and Title
5900 W. PLANO PARKWAY, SUITE 100 Address
PLANO, TEXAS 75093 City, State, and Zip Code
OCTOBER 19, 2000 Date
(214) 461-2020 Telephone Number

- () Sole Proprietorship N/A
Social Security Number * or Employer I.D. Number
- () Partnership N/A
Employer I.D. Number or Tax Number *
- () Corporation N/A
Employer I.D. Number or Tax Number *

* Note: For record keeping purposes your Social Security Number, Employer I.D., or Tax Number are requested. However, you are not required by law to provide this information and may do so voluntarily.

FOR STATE PURPOSES ONLY:

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

BY: Gerry DiKe Signature
JERRY DIKE, DIRECTOR, VEHICLE TITLES AND REGISTRATION DIVISION Name and Title
11-1-00 Date

★★★ PLEASE KEEP A COPY OF THIS CONTRACT ★★★

ATTACHMENT A:
CERTIFICATION OF USE

Note: Effective December 1, 2000, the State may release privacy protected personal information contained in motor vehicle records (MVRs), as defined in 18 U.S.C. §2725, only if the Purchaser certifies its intended uses of the information in this Attachment. Certified intended uses include only those uses for which the Purchaser itself will actually employ the information; certified intended uses do not include uses that are speculative or that will be engaged in by persons acquiring the information from the Purchaser. If the Purchaser's intended use of the information is not one of the permitted uses, the State will not release the privacy protected personal information.

Please **INITIAL** (do not check ✓) the intended use(s) for which the VTR Database and Weekly Updates are requested, if applicable, and complete the Certification statement on page 2:

PERMITTED USES:

(I) A. For use in connection with any matter of:

- ☐ (1) motor vehicle or motor vehicle operator safety;
- ☐ (2) motor vehicle theft;
- ☐ (3) motor vehicle emissions;
- ☐ (4) motor vehicle product alterations, recalls, or advisories;
- ☐ (5) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer; or
- ☐ (6) removal of non-owner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of:
 - (a) the Automobile Information Disclosure Act, 15 U.S.C. Section 1231 et seq.;
 - (b) 49 U.S.C. Chapters 301, 305, 323, 325, 327, 329, and 331;
 - (c) the Anti Car Theft Act of 1992, 18 U.S.C. Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C. Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all as amended;
 - (d) the Clean Air Act, 42 U.S.C. Section 7401 et seq., as amended; and
 - (e) any other statute or regulation enacted or adopted under or in relation to a law included in Paragraphs (a)-(d).

B. Use will be strictly limited to use by:

- RIH
- ☐ (1) a government agency, including any court or law enforcement agency, in carrying out its functions; or
 - ☐ (2) a private person or entity acting on behalf of a government agency in carrying out the functions of the agency.

(II) A. Use in connection with a matter of:

- ☐ (1) motor vehicle or motor vehicle operator safety;
- ☐ (2) motor vehicle theft;
- ☐ (3) motor vehicle product alterations, recalls, or advisories;
- ☐ (4) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers;
- ☐ (5) motor vehicle market research activities, including survey research; or
- ☐ (6) removal of non-owner records from the original owner records of motor vehicle manufacturers;

B. Use in the normal course of business by a legitimate business or an agent, employee, or contractor of the business, but only:

- RIH
- RIH
- ☐ (1) to verify the accuracy of personal information submitted by the individual to the business or an agent, employee, or contractor of the business; and
 - ☐ (2) if the information as submitted is not correct or is no longer correct, to obtain the correct information, for the sole purpose of preventing fraud by, pursuing a legal remedy against, or recovering on a debt or security interest against the individual;

C. Use in conjunction:

- RIH
- ☐ With a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court;

D. Use in:

- ☐ Research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual;

- E. Use by:
_____ An insurer or insurance support organization, or by a self-insured entity, or an agent, employee, or contractor of the entity, in connection with claims investigation activities, antifraud activities, rating, or underwriting;
- F. Use in:
_____ providing notice to an owner of a towed or impounded vehicle;
- G. Use by:
_____ A licensed private investigator agency or licensed security service for a purpose permitted under this section;
- H. Use by:
_____ An employer or an agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313;
- I. Use in:
_____ Connection with the operation of a private toll transportation facility;
- J. Use for:
_____ Any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety. Please cite the specific law:

CERTIFICATION

I, RICK HERRINGTON, the Purchaser, certify that the intended use of the requested VTR database information will be for the Permitted Use(s) initialed above.

NORTH TEXAS TOLLWAY AUTHORITY
(THE PURCHASER)

BY: Rick Herrington
(Signature)

RICK HERRINGTON DIRECTOR OF INFORMATION TECHNOLOGY
(Name and Title)

10-25-00
(Date)

ATTACHMENT B:
18 U.S.C. §2721 (PUBLIC LAW 103-322)
FEDERAL DRIVER'S PRIVACY PROTECTION ACT

**CHAPTER 123 -- PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL
INFORMATION FROM STATE MOTOR VEHICLE RECORDS.**

**Section 2721. Prohibition On Release And Use Of Certain Personal Information
From State Motor Vehicle Records.**

(a) IN GENERAL.--

Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

(b) PERMISSIBLE USES.--

Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of:

- motor vehicle or driver safety and theft,
- motor vehicle emissions,
- motor vehicle product alterations, recalls, or advisories,
- performance monitoring of motor vehicles and dealers by motor vehicle manufacturers,
- and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act,

and may be disclosed as follows:

- (1)** For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
- (2)** For use in connection with matters of:
 - motor vehicle or driver safety and theft,
 - motor vehicle emissions,
 - motor vehicle product alterations, recalls, or advisories,
 - performance monitoring of motor vehicles, motor vehicle parts and dealers,
 - motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- (3)** For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only --
 - (A)** to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
 - (B)** if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
- (4)** For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgements and orders, or pursuant to an order of a Federal, State, or local court.
- (5)** For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
- (6)** For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

- (7) For use in providing notice to the owners of towed or impounded vehicles.
- (8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
- (9) For use by an employer or its agent or insurer to obtain and verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).
- (10) For use in connection with the operation of private toll transportation facilities.
- (11) For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
- (12) For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
- (13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
- (14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

(c) RESALE OR DISCLOSURE. --

An authorized recipient of personal information (except a recipient under subsection (b) (11) or (12) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b) (11) or (12)). An authorized recipient under subsection (b) (11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b) (12) may resell or redisclose personal information pursuant to subsection (b) (12). Any authorized recipient (except a recipient under subsection (b) (11)) that resells or rediscloses personal information by this title must keep for a period of five years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

(d) WAIVER PROCEDURES.--

A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

SECTION 2722. ADDITIONAL UNLAWFUL ACTS

(a) PROCUREMENT FOR UNLAWFUL PURPOSE --

It shall be unlawful for any person knowingly to 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.

SECTION 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 substantial noncompliance.

SECTION 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 or other litigation costs reasonably incurred; and
- (4) such other preliminary and equitable relief as the court determines to be appropriate.

SECTION 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, and;
- (3) **'PERSONAL INFORMATION'** means information that identifies an individual, including an individual's:
 - photograph,
 - social security number,
 - driver identification number,
 - name,
 - address (but not 5-digit zip code),
 - telephone number, and
 - medical or disability information,but does not include information on:
 - vehicular accidents,
 - driving violations, and
 - driving status.'.

(b) CLERICAL AMENDMENT. -- The table of parts at the beginning of part I of title 18, United States Code, is amended by adding at the end the following new item:

"123. Prohibition on release and use of certain personal information from
state motor vehicle records.....2271"

SECTION 300003. EFFECTIVE DATE.


The amendments made by section 300002 shall become effective on the date that is three years after the date of enactment of this Act.

After the effective date, if a state has implemented a procedure under section 2721 (b) (11) and (12) of title 18, United States Code, as added by section 2902, for prohibiting disclosures or uses of personal information, and the procedure otherwise meets the requirements of subsection (b) (11) and (12), the State shall be in compliance with subsection (b) (11) and (12) even if the procedure is not available to individuals until they renew their license, title, registration or identification card, so long as the State provides some other procedure for individuals to contact the State on their own initiative to prohibit such uses or disclosures.

Prior to the effective date, personal information covered by the amendment made by section 300002 may be released consistent with State law or practice.

NORTH TEXAS TOLLWAY AUTHORITY

INTEROFFICE MEMORANDUM

To: Scott Young
From: Robert J. Drinjak 
Date: February 8, 1999
Subject: Contract Renewal of TxDot Vehicle Registration
Data for 1999

In order for the NTTA to continue requesting and receiving TxDot vehicle registration data, please review the attached contract governing the Authority's request for the 1999 period.

The NTTA requests data for Collin, Dallas, Denton and Tarrant counties on a quarterly basis. The media for this data is tape.

This is an open end contract that both parties have to agree to on an annual basis (reference Article 4. Term of Contract, Page 4 of 8). The previous contract was signed by Jerry Shelton.

Please review, and if you have any questions contact either Bernice Morton or Gary Bible as listed on the attached TxDot cover letter.

The signed contract should be forwarded to Mr. Bible at:

Vehicle Title and Registration Div.
Texas Department of Transportation
4000 Jackson Avenue
Austin, Texas 78731

And, I would appreciate a photocopy of the signed contract returned to me for my records.

Attachments

cc: S. A. Buse (w/o attachments)



Texas Department of Transportation

VEHICLE TITLES AND REGISTRATION DIVISION • AUSTIN, TEXAS 78779-0001 • (512) 465-7611

August 26, 1998

Robert J. Drinjak
Manager, Data Processing
North Texas Tollway Authority
12300 Inwood Road, Suite 110
Dallas, Texas 75244

Dear Mr. Drinjak:

We have processed your request of August 13, 1998 for vehicle registration data for Collin, Denton, Dallas and Tarrant counties at no charge.

The contract we have on file, signed on October 14, 1997, is current until October 14, 1998. After October 14, 1998 a new contract will need to be signed if data is requested again after this date. We have enclosed a contract.

If you have any questions, you may call Bernice Morton at 512/467-5983 or you may call me at 512/465-7950.

Sincerely,

Gary Bible
Branch Manager
Production Data Control Branch

GB:bm



NORTH TEXAS TOLLWAY AUTHORITY

3015 Raleigh Street
PO Box 190369 • Dallas, TX 75219
214-522-6200 • Fax 214-528-4826

April 9, 1999

Gary Bible
Branch Manager
Production Data Control Branch
Texas Department of Transportation
Vehicle Titles and Registration Division
Austin, Texas 78779-0001

RE: Purchase of Texas Motor Vehicle Title and Registration (VTR) Database

Dear Mr. Bible:

Enclosed please find 1 (one) executed copy of the Service Contract for Purchase of Texas Motor Vehicle Title and Registration (VTR) Database between the Texas Department of Transportation and the North Texas Tollway Authority. If there are any questions/clarifications, please contact me at (214) 461-2043.

Sincerely,


A. Scott Young, P.E.
General Counsel

Enclosure

ASY/mp

cc: Automation (w/attachment)
DPS (w/attachment)
Administration (w/attachment)
Accounting (w/attachment)
Engineering (w/attachment)
Operations (w/attachment)