

tations, see section 2421 of Pub. L. 104-208, set out as a note under section 1681a of Title 15.

§ 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.

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 3 years after Sept. 13, 1994, with provisions relating to release of personal information before the effective date and compliance after such date, see section 300003 of Pub. L. 103-322, set out as a note under section 2721 of this title.

§ 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 3 years after Sept. 13, 1994, with provisions relating to release of personal information before the effective date and compliance after such date, see section 300003 of Pub. L. 103-322, set out as a note under section 2721 of this title.

§ 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 3 years after Sept. 13, 1994, with provisions relating to release of per-

sonal information before the effective date and compliance after such date, see section 300003 of Pub. L. 103-322, set out as a note under section 2721 of this title.

§ 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.¹

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

(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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 3 years after Sept. 13, 1994, with provisions relating to release of personal information before the effective date and compliance after such date, see section 300003 of Pub. L. 103-322, set out as a note under section 2721 of this title.

PART II—CRIMINAL PROCEDURE

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¹ So in original. The period probably should be a semicolon.

¹ So in original. First word only of item should be capitalized.