



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
 DRIVER AND VEHICLE SERVICES DIVISION
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 dvs.dps.mn.gov

DEALERSHIP INDIVIDUAL USER AGREEMENT

Full Name: (please print or type) _____

Dealership Name: (please print or type) _____

Dealership Number _____

1. My access is restricted to only that DVS data necessary to perform my duties at the dealership, and will only be used in the normal course of dealership business to verify the accuracy of personal information submitted by an individual for the purchase or sale of a motor vehicle, or to prevent fraud (exemption 3a. and 3b. USC title 18, section 2721).
2. Select type of access requested: Title Lookup Held for Resale Flags
 (Financial Manager) (Title Clerk)
3. I understand I will have my own username issued by the State, and my username and password **will not** be shared with anyone, including other employees or my supervisors. I understand upon investigation I will be held responsible for any transactions associated with my username. I understand my password must be changed every 90 days to remain active.
4. I understand improper use or release of personal DVS data will result in loss of access and may result in civil penalties under both state and federal law.

5. Government Data Practices

As an employee of the dealership, I will comply with the government data practices as defined in this agreement. The Dealership and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and US Code title 18 § 2721, as they apply to all data provided by the state under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the dealership under this agreement. The civil remedies of Minn. Stat. § 13.08 and 13.09, and US Code title 18 § 2721 apply to the release of the data referred to in this clause by either the Dealership or the State.

I, the undersigned, agree by signing this document the information provided is correct, that I have reviewed any training materials and understand the proper use and dissemination of DVS data, and I agree to the terms and conditions for intended use of the State's data as defined in the Individual User Agreement, Exhibits A and B, which are attached and incorporated into this agreement by reference.

I understand my password must be changed every 90 days to remain active.

INDIVIDUAL USER

DATA USE REPRESENTATIVE (DUR)

Signature: _____	Signature: _____
Printed Name:	Printed Name:
Title:	Title:
Date:	Date:
Email:	Email:
Phone Number:	Phone Number:

Retain in your office.

Exhibit A

Access to Driver License and Motor Vehicle records is governed by Minnesota Statutes Sections 168.346, 171.12 Subd. 7 and 171.12 Subd. 7a. and United States Code, Title 18, Sections 2722-2725.

Under United States Code, Title 18, Sec. 2722 the following are unlawful acts:

(a) Procurement for Unlawful Purposes. -- 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.

Under United States Code, Title 18, Sec. 2723 the following penalty may apply to unlawful acts:

(a) Criminal Fine. -- A person who knowingly violates this chapter shall be fined under this title.

United States Code, Title 18, Sec. 2724 provides for the following 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.

Under United States Code Title 18, Sec. 2725 Motor vehicle record is defined as:

(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;

Exhibit B

Permissible Uses of Motor Vehicle Data as provided in United States Code, Title 18, Section 2721

- 1) For use by any government agency, including 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 agencies, employees, or contractors; and (B) if such information as so submitted is not correct or is no longer correct, to obtain 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 judgments 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, re-disclosed, or used to contact individuals.
- 6) For use by any insurer or insurance support organization, or by 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 or 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 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. **List specific statutory authorization.**