



The New York State Department of Motor Vehicles (DMV) is authorized to disclose personal information from a search of DMV records when the personal information will be used for a "permissible use", as defined within the federal Driver's Privacy Protection Act ("DPPA") (18 U.S.C. §2721. et seq.) You must review, and be familiar with, the DPPA in order to complete the application process and to conduct searches of DMV records using a Motor Vehicle Record Search Account. Form MV-15DPPA contains more information about the DPPA and can be found on our website at http://dmv.ny.gov/forms/mv15dppa.pdf.

Each electronic search of DMV records using a Motor Vehicle Record Search Account costs \$7. Searches conducted by a government agency are exempt from payment of this fee.

Applicants for a Motor Vehicle Record Search Account are required to provide the information requested below and to execute the Terms of Service Agreement. Both the completed application and the Terms of Service Agreement can be scanned/emailed to: DataServices@dmv.ny.gov, faxed to Data Services at 518-474-0718 or mailed to:

DATA SERVICES
NYS DEPARTMENT OF MOTOR VEHICLES
6 EMPIRE STATE PLAZA, Room 231
ALBANY NY 12228

Please mark one of the following boxes to indicate which service you are requesting:

- Open new account
Update information for an existing account. ACCOUNT #: _____

ACCOUNT INFORMATION
(Please Print or Type)

Applicant: _____

Applicant's Driver License Number: _____ State that Issued License: _____

Applicant's Business Email Address: _____

Business Name: _____

Business Address: _____
(DO NOT GIVE P.O. BOX)

City: _____ State: _____ Zip Code: _____

Telephone: _____ - _____ - _____ Ext. _____

Agency/Business Director Name: _____

Agency/Business Director Title: _____

Agency/Business Director Email Address: _____

Federal Employer ID Number: []-[]

If a Motor Vehicle Record Search Account was previously held by you, your organization, or any principal, agent, officer or employee associated with your organization, please provide the account number(s):

Applicant:

Driver's Privacy Protection Act (DPPA)

The Federal Driver's Privacy Protection Act (18 U.S.C. §2721.et seq.) ("DPPA") regulates access to Motor Vehicles records. Recipient hereby certifies that the information provided hereunder by DMV shall be used solely for the following purpose(s).

(Recipient must check all that apply.)

1. ___ Use in any civil, criminal, administrative, or arbitral proceeding in any court or agency, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders or pursuant to a court order. (18 U.S.C. §2721 (b)(4))
2. ___ Use by an insurer or insurance support organization or self-insured entity in claims investigations, anti-fraud activities, rating or underwriting activities. (18 U.S.C. §2721 (b)(6))
3. ___ Use in providing notice to the owners of towed or impounded vehicles. (18 U.S.C. §2721 (b)(7))
4. ___ Use by an employer, its agent or insurer to obtain information relating to the holder of a commercial driver's license required under Chapter 313 of Title 49 of the U.S.C. (18 U.S.C. §2721 (b)(9))
5. ___ 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; (18 U.S.C. §2721 (b)(3)(A)) 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. (18 U.S.C. §2721 (b)(3)(B))
6. ___ Use required under NYS Vehicle and Traffic Law, Article 19A - Special Requirements for Bus Drivers. (18 U.S.C. §2721 (b)(14))
7. ___ Use required under NYS Vehicle and Traffic Law, Article 19B - Special Requirements for Commercial Motor Carriers. (18 U.S.C. §2721 (b)(14))
8. ___ Use by any government agency, including any court or law enforcement agency, in carrying out its functions. (18 U.S.C. §2721 (b)(1))
9. ___ Use by any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions. (18 U.S.C. §2721 (b)(1))
10. ___ Use in matters of motor vehicle or driver safety. (18 U.S.C. §2721 (b)(2))
11. ___ Use in matters of motor vehicle theft. (18 U.S.C. §2721 (b)(2))
12. ___ Use in matters of motor vehicle emissions. (18 U.S.C. §2721 (b)(2))
13. ___ Use in matters of motor vehicle product alterations, recalls or advisories. (18 U.S.C. §2721 (b)(2))
14. ___ Use in performance monitoring of motor vehicles, motor vehicle parts and dealers. (18 U.S.C. §2721 (b)(2))
15. ___ Use in motor vehicle market research activities, including survey research. (18 U.S.C. §2721 (b)(2))
16. ___ Use in removal of non-owner records from the original owner records of motor vehicle manufacturers. (18 U.S.C. §2721 (b)(2))
17. ___ Use in the operation of private toll transportation facilities. (18 U.S.C. §2721 (b)(10))
18. ___ For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains. (May use form MV-15GC). (18 U.S.C. §2721 (b)(13))
19. ___ Use specifically authorized under NYS law, IF such use is related to the operation of a motor vehicle or public safety. Cite the specific NYS law here: _____ (18 U.S.C. §2721 (b)(14))
20. ___ Use in research activities and in producing statistical reports, **as long as the personal information is not published, disclosed or used to contact individuals.** (18 U.S.C. §2721 (b)(5))

Making a false representation to obtain any personal information from DMV records subjects you to federal criminal fines under the DPPA.

Applicant:

Commercial Applicants

Individuals employed by, or working on behalf of, a commercial entity or not-for-profit organization, are “commercial” applicants. Commercial applicants:

- Must pay a \$7 per search fee.
- Must establish a debit account funded by an opening deposit of not less than \$100. Make your check or money order payable to “Commissioner of Motor Vehicles” and attach it to this application.
- Must execute the Terms of Service Agreement and return it to DMV along with this application.

Signature of Applicant: **X** _____

Date: _____

Government Applicants

Individuals employed by, or working on behalf of, a government organization; volunteer fire company; volunteer ambulance service; or legal aid bureau or society or other private entity when acting pursuant to Section 722 of the New York State County Law, are “government” applicants. Government applicants:

- Are exempt from paying the \$7 per search fee.
- Must complete the Fee Exemption Certification (below) to claim the exemption from search fees under Section 202 of the New York State Vehicle and Traffic Law.
- Must provide evidence of your government employment or your affiliation with the exempt organization, such as a pay stub or an official letter from the organization.
- Must execute the Terms of Service Agreement and return it to DMV along with this application.

FEE EXEMPTION CERTIFICATION FOR GOVERNMENT ORGANIZATIONS, VOLUNTEER FIRE COMPANIES, VOLUNTEER AMBULANCE SERVICES, AND ENTITIES ACTING PURSUANT TO SECTION 722 OF THE NEW YORK STATE COUNTY LAW

Section 202 of the New York State Vehicle and Traffic Law exempts government organizations, volunteer fire companies, and volunteer ambulance services from fees for searches to be used for a public purpose, and also exempts legal aid bureaus and societies and other private entities from such fees when acting pursuant to Section 722 of the New York State County Law. I certify that my organization qualifies for this exemption, and that I will use this account only for qualified fee-exempt purposes.

FOR NY STATE & COUNTY BOARD OF ELECTION OFFICES ONLY:

Indicate below what records you are requesting access to (select only one box).

- Motor Vehicle Records Motor Voter Database BOTH Motor Vehicle Records & Motor Voter Database

Signature of Applicant: **X** _____

Date: _____

To knowingly make a false statement or conceal a material fact in this written statement is a criminal offense, punishable under Penal Law Section 210.45.

**MOTOR VEHICLE RECORD SEARCH ACCOUNT
TERMS OF SERVICE AGREEMENT**

The federal Driver's Privacy Protection Act (DPPA) (<http://dmv.ny.gov/forms/mv15dppa.pdf>) prohibits the New York State Department of Motor Vehicles (DMV) from disclosing or otherwise making available to any person or entity any "personal information" as defined within DPPA unless the authorized user possesses a "permissible use" for the personal information. Authorized Users of a Motor Vehicle Record Search Account are subject to the terms and conditions outlined below:

1. The Authorized User agrees to review, and be familiar with, the DPPA.
2. The Authorized User must possess the "permissible use" selected on the application for each search of DMV records using the Motor Vehicle Record Search Account to obtain personal information.
3. The Authorized User understands that knowingly making a false representation to obtain any personal information from DMV records is subject to criminal fines and that knowingly obtaining, disclosing or using personal information, from a DMV record, for a purpose not permitted under the DPPA shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.
4. The Authorized User agrees to only use the Motor Vehicle Record Search Account to obtain personal information from DMV records when, for each search, the Authorized User possesses a DPPA "permissible use".
5. The Authorized User agrees to use the Motor Vehicle Record Search Account in full compliance with the DPPA.
6. The Authorized User will be responsible for ensuring that:
 - the Motor Vehicle Record Search Account is used only for searches permitted by the DPPA and as authorized by this Agreement;
 - DMV has accurate and up-to-date contact information for the Authorized User;
 - DMV has accurate and up-to-date employment information for the Authorized User, including contact information for the Authorized User's agency/business Director; and,
 - The Authorized User must notify DMV, within 30 days, of any change in contact/employment information.
7. The Authorized User must maintain business records that establish a permissible use for each search.
 - The business records must be maintained for five years after the date of the search;
 - The business records must be made available to DMV upon receipt of a Verification Request letter; and
 - At DMV's direction, the business records must be forwarded to DMV or made available for inspection by DMV within 30 days of any request.
8. The Authorized User understands that a business record is a document that records an event, business dealing or transaction associated to each use of the Motor Vehicle Record Search Account. The business record you provide must pre-date receipt of a Verification Request letter, and it should identify the SEARCH CRITERIA used in your search. DMV recommends a log be maintained of each search performed with a notation of what was searched (i.e. plate number, DMV client ID number, vehicle identification number) the date of the search, and your business identifier (i.e. index number, case number, client number, etc.) that can direct you to the associated business record.

Common examples of business records include:

Court Orders	Lien and Judgment Filings	Crash/Incident Reports	Emergency or Help Calls
Case Files	Traffic/Criminal/Civil	Summonses	Invoices /Receipts
Payroll Advices	Service Applications	Employment Applications	

MOTOR VEHICLE RECORD SEARCH ACCOUNT TERMS OF SERVICE AGREEMENT (continued)

9. The Authorized User understands that failure to provide a business record establishing a permissible use for any search, may result in the imposition of sanctions by DMV, including a suspension of access rights, or termination of the Motor Vehicle Record Search Account.
10. The Authorized User acknowledges that DMV has the right to demand production of a business record establishing the permissible use underlying each search of DMV records using the Motor Vehicle Record Search Account and to perform all necessary audit steps to ensure the Motor Vehicle Record Search Account is used only as authorized by this agreement.
11. The Authorized User understands that termination of their Motor Vehicle Record Search Account for inappropriate use may prohibit reinstatement of said account.
12. The Authorized User agrees that if personal information obtained from the Motor Vehicle Record Search Account is to be disclosed to another person or entity, the Authorized User must keep a record identifying each person or entity to whom the information will be disclosed and the permissible use for which the information will be used. The Authorized User must keep the record for five years after the date when the information was disclosed. The Authorized User will make the record available to DMV upon demand.
13. The Authorized User must not permit any other individual to use his/her assigned Motor Vehicle Record Search Account to obtain personal information from DMV records, nor should the Authorized User share his/her assigned Motor Vehicle Record Search Account password with any other individual.
14. The Authorized User agrees to not represent oneself as an agent or employee of the DMV.
15. The Authorized User understands that if the Motor Vehicle Record Search Account has not been used during any consecutive eighteen (18) month period, the account will be terminated.
16. The Authorized User agrees to comply with the provisions of the New York State Information Security Breach and Notification Act (as set forth in General Business Law Section 899-aa, and State Technology Law Section 208) (“ISBNA”). Authorized Users shall be liable for the costs associated with any breach of the ISBNA caused by the Authorized User’s negligent or willful acts or omissions, or the negligent or willful acts or omissions of Authorized User’s agents, officers, employees or subcontractors.
 - (A) Under the ISBNA, DMV is required to notify any individuals whose records have been accessed from a system maintained by DMV for unauthorized purposes.
 - (B) The Authorized User must report suspected or confirmed violations of the DPPA or ISBNA to DMV’s Risk Management Office via email at: nysdmvRiskManagement@dmv.ny.gov
 - (C) In the event that information is accessed from a system maintained by the Authorized User of personal information provided hereunder, then the Authorized User is required to report violations of ISBNA, as provided in the Reporting Form available on the CSCIC website at: <https://its.ny.gov/eiso/breach-notification> .
 - (D) Authorized Users must also report such violations, within one business day, to DMV’s Risk Management Office, and must fully cooperate with DMV in the investigation of any violation, including delaying notification to the individual to whom such information pertains if such notification would compromise a criminal investigation.
 - (E) The Authorized User will defend, indemnify and hold harmless the DMV and its employees or agents from all claims, actions, damages, or losses, including the cost of any notifications required under the ISBNA, arising from negligent, improper, or unauthorized use or dissemination of information contained in DMV records.
17. DMV shall not be liable to the Authorized User for any damages including, but not limited to, direct, indirect, consequential, incidental or special damages, lost savings, loss of goodwill or otherwise, or for exemplary damages in connection with the information DMV provides to the Authorized User via use of the Vendor Vehicle Record Search Account.

Applicant:

MOTOR VEHICLE RECORD SEARCH ACCOUNT TERMS OF SERVICE AGREEMENT (continued)

18. DMV hereby disclaims all warranties concerning the performance of Motor Vehicle Record Search Account service, including, but not limited to, its availability, capacity, or response. DMV hereby disclaims liability for any omissions or errors in the data furnished to the Authorized User.
19. The DMV reserves the right to terminate access to the Authorized User's Motor Vehicle Record Search Account at any time, in its sole discretion, and without advance notice. Reasons for termination include but are not limited to: false statements made by the Authorized User; concealment of material facts in connection with the account application; conducting searches absent a permissible use; and violation of any of the terms of service set forth within this Agreement.
20. This agreement is not transferable.
21. By signing this Terms of Service Agreement, the Authorized User acknowledges having read, understanding and agreeing to all of the above conditions for use of the Motor Vehicle Record Search Account.

Signature of Applicant: X _____

Date: _____

