

February 6, 2020

Sen Richard Mazza, Chair, Transportation Committee
rmazza@leg.state.vt.us; nmarvel@leg.state.vt.us

Sen. Richard Sears, Chair, Judiciary Committee
rsears@leg.state.vt.us

Re: Public Access to Department of Motor Vehicles Database

Dear Senators Mazza and Sears:

I am writing regarding current efforts in the House to restrict access to the Department of Motor Vehicles (DMV) database.

It is important to understand that access to DMV records is an important component of Vermonters' access to justice. Vermont attorneys (and sometimes non-attorneys) use the data in the DMV database for a wide variety of critical issues: employment screening, personal injury claims, civil rights lawsuits, family court and child custody cases, domestic violence cases, and criminal defense. To name just a few examples:

- Employers use the database to do background checks, and to assure that new employees in positions that involve driving have valid licenses and safe driving records. This is a public safety issue.
- DMV records are a standard tool in family court disputes. In a child custody case, the records may allow one parent to demonstrate that the other is associating with drug users/dealers by running license plate numbers and establishing that the cars parked at the parents' house belong to individuals with active drug distribution cases. This has been especially important with the ongoing opiate pandemic. The database may also help a lawyer determine whether the people driving children around have suspended licenses, or other driving infractions.
- DMV records are a standard tool in criminal cases to find witnesses and locate important information about them. It is routine in a criminal case to investigate the associates of both the defendant and the witnesses by checking DMV records. Indeed, sometimes a DMV record check is the only way for a defendant to locate an important witness.

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- DMV records are often important tools in domestic violence cases to determine whether an offender is stalking a victim by driving past their house. Domestic violence victims are given comfort by knowing what car the offender drives, so the offender can be identified.
- DMV records can assist in asset checks, when a judgment creditor or child support obligee needs to collect from someone who shows up as the owner of multiple vehicles or boats.
- A DMV check can reveal important information in a case where an innocent person is injured in a car accident. For example, it may show that there is another owner of the vehicle who may be liable for damages; it may show that the driver had a record of prior accidents. Recovery of this kind of information is paramount to the injured person's ability to collect compensation for their damages.

Law enforcement agencies already have access to the information in the DMV database. As a result, public access to DMV corrects a fundamental imbalance of power between Vermont citizens and law enforcement. When private citizens are denied access to the database, they are powerless relative to police; they either can't get the same information that law enforcement can, or even if they can, it is vastly more expensive.

As a matter of equal justice, fundamental fairness, and due process, it is vitally important that we continue to be afforded access to DMV information.

I would be happy to discuss this matter further with you if you have questions about any of the above. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'LBS', written in a cursive style.

Lisa B. Shelkrot
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LBS:els