



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 8, 2007

Ms. Beverly W. Stephens
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2007-14688

Dear Ms. Stephens:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 294120.

The City of San Antonio (the "city") received a request for the license plate number, vehicle identification number, and registered owner of a specified taxi cab. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform us that "pursuant to the [c]ity's Municipal Code, Chapter 33, the Ground Transportation Unit allocates permits for vehicles for hire, which includes taxi cabs." We thus understand that the information at issue was obtained by the city's Ground Transportation Unit as part of the process of issuing a permit for the specified taxi cab. Section 552.130 provides as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;

(2) a motor vehicle title or registration issued by an agency of this state; or

(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

You argue that the information you have highlighted in the submitted documents, consisting of the name of the owner of the specified taxi cab, the cab's vehicle identification number, and its license plate number,¹ must be withheld under section 552.130(a). You further indicate that chapter 730 of the Transportation Code does not authorize disclosure of the information at issue in this instance. *See* Gov't Code § 552.130(b). We determine that the information at issue is within the scope of section 552.130(a). Thus pursuant to section 552.130(b), we will consider whether the release of the information is authorized by chapter 730.

Section 730 of the Transportation Code prohibits the disclosure and use of personal information contained in motor vehicle records by an agency that compiles and maintains motor vehicle records, except as authorized by the individual or the law. *See* Transp. Code § 730.002. Section 730.004 provides that "an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record." *Id.* § 730.004. The term "motor vehicle record" means "a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by any agency of this state or a local agency authorized to issue an identification document." *Id.* § 730.003(4). We note, however, that the term does not include "a record that pertains to a motor carrier." *Id.* § 730.003(4)(A). A "motor carrier" means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more vehicles that transport persons or cargo over a roadway or highway in this state. *See id.* § 643.001(6).

Upon review of the submitted information, we find that the owner of the specified taxi cab named in the submitted documents falls within the definition of a "motor carrier." *See id.* Therefore, the information you have highlighted in the submitted documents was not obtained by the city as part of a motor vehicle record as defined by subsection 730.003(4), but rather, it was obtained as part of a motor carrier record. Accordingly, release of the information at issue is not prohibited under section 730.004 of the Transportation Code. By specifying that information obtained in connection with motor carrier records is not exempt from disclosure, chapter 730 authorizes the release of such information. *See* Transp. Code

¹We note that you have also highlighted the "title/document number" contained in the submitted certificate of title. However, this information is not responsive to the request and need not be released.

§ 730.003(4)(A). Therefore, we conclude that the information you have highlighted in the submitted documents is not excepted from disclosure under section 552.130. As you raise no other exceptions to disclosure, the requested information must be released to the requestor.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for

contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "Jordan Johnson".

Jordan Johnson
Assistant Attorney General
Open Records Division

JJ/jb

Ref: ID# 294120

Enc. Submitted documents

c: Mr. David M. Caton
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(w/o enclosures)