



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 21, 2010

Mr. Brad Bowman
General Counsel
Texas Department of Licensing and Regulation
P.O. Box 12157
Austin, Texas 78711

OR2010-10852

Dear Mr. Bowman:

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#387490.

The Texas Department of Licensing and Regulation (the "department") received a request for the vehicle identification numbers for eight specified tow trucks. You claim that the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

This office recently issued a previous determination in Open Records Decision No. 684 (2009) that generally authorizes any governmental body subject to the Act to withhold a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number under section 552.130 without seeking a decision from this office. *See* ORD 684 at 7-8; *see also* Gov't Code 552.301(a), Open Records Decision No. 673 (2000) (listing elements of first type of previous determination under section 552.301(a)). However, we note this previous

determination is not applicable to vehicle identification numbers. A governmental body must seek a determination from this office to withhold such information. *See* ORD 684.

Section 552.130 of the Government Code provides as follows:

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

...

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

...

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

Gov't Code § 552.130. You argue that the information at issue must be withheld under section 552.130(a). However, the requestor contends he has a right of access to the information at issue under chapter 730.000 of the Transportation Code. *See* Gov't Code § 552.130(b). Chapter 730 provides for the disclosure of "motor vehicle records" in certain circumstances. *See* Transp. Code §§ 730.005 (requiring disclosure of motor vehicle record information in certain circumstances), 730.006 (providing for disclosure of motor vehicle record information upon written consent), 730.007 (enumerating the requestors who are eligible to receive motor vehicle record information). 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," and does not include a record that pertains to a motor carrier record. *Id.* § 730.003(4). 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). As the records in this instance pertain to a motor carrier, we conclude chapter 730 is inapplicable. Accordingly, the department must withhold the information at issue under section 552.130 of the Government Code.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php.

or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/jb

Ref: ID#387490

Enc. Submitted documents

c: Requestor
(w/o enclosures)