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January 15, 2015

Clare Sedlock
Interim Administrator
RI Division of Motor Vehicles
600 New London Avenue
Cranston, RI 02920

BY FAX AND MAIL

Dear Ms. Sedlock:

Recent news reports have indicated that, within the next month, the DMV plans to implement the Uninsured Motorist Identification Database. I am writing to express our deep concerns about that, because as far as we can ascertain, the DMV has neither proposed nor adopted any regulations to address its implementation.

As you know, the UMID statute specifically envisioned your agency going through the Administrative Procedures Act's rule-making process in order to "make rules and develop procedures to use the database for the purpose of administering and enforcing" the law. R.I.G.L. 31-47.4-2(h). Of course, even without this explicit directive, the APA would require the DMV to go through the rule-making process to address the various policies and procedures that will be governing the law's implementation.

While the ACLU did not oppose the passage of the UMID statute, there are clearly some key issues not addressed in the law that need to be addressed through the regulatory process to insure that the database is operated in accordance with fundamental due process and privacy safeguards. Both from a policy perspective and in accordance with APA requirements, it is essential that those issues be addressed through regulation before this new program actually begins operation, not after the fact.

To list just a few examples, we believe regulations would need to address such important matters as the required security protocols to protect the data from unwarranted disclosure, restrictions on the use of the information gathered by the third-party vendor implementing the program, the type and method of notification that vendors must provide owners of motor vehicles who are believed to not have insurance, and the method by which flagged owners are to prove insurance responsibility or an exemption from the requirement.

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I am therefore writing to request that the DMV commit to not implementing this new database until appropriate regulations have been adopted in accordance with the APA's rule-making procedures. I look forward to hearing back from you about this at the earliest opportunity, and by no later than January 21. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Hillary Davis", written over a horizontal line.

Hillary Davis
Policy Associate

cc: Marcy Coleman