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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 PUBLIC CITIZEN, INC.,
15 et al.,

16 Plaintiffs

17 v.

18 MARK R. FILIP, ACTING ATTORNEY
19 GENERAL OF THE UNITED STATES

20 Defendant.

No. CV 08-0833 (MHP)

SUPPLEMENTAL STATUS REPORT

1 In accordance with the Court's September 30, 2008 Order, Defendant submits this
2 supplemental report regarding the status of the issuance of a Final Rule related to the National
3 Motor Vehicle Title Information System (NMVTIS) and the commencement of consumer access
4 to the NMVTIS database. The Final Rule has been signed and forwarded to the Federal Register
5 for publication.

6 Regarding consumer access, the Department of Justice (DOJ) continues to expect that at
7 least one portal provider will have a website operational that will provide consumers with access
8 to NMVTIS by January 30, 2009. As previously reported, DOJ has established www.nmvtis.gov
9 as the single source for official NMVTIS information, and as an up-to-date listing of, and link to,
10 each website offering consumers access to NMVTIS. This site will be the primary reference point
11 for NMVTIS information in all materials, publications, and announcements, so that consumers are
12 directed to one source of official information.

13 In addition to these two matters, DOJ brings another issue to the Court's attention. Three
14 states that currently provide titling information to NMVTIS – California, New York and
15 Pennsylvania – are presently restricting release of their information and are prohibiting consumer
16 access to NMVTIS on January 30, 2009.^{1/} California and New York each have executed a
17 memorandum of understanding (MOU) with the America Association of Motor Vehicle
18 Administrators (AAMVA)^{2/} as to the use of their state information in NMVTIS, and neither MOU
19 provides for consumer access. California's MOU with AAMVA states that "AAMVA shall share
20 data provided to it pursuant to this agreement only with governmental entities."^{3/} New York's
21 MOU with AAMVA states that "AAMVA shall share data provided by NYSDMV only with
22 other States which are members of the National Motor Vehicle Title Information System and with
23 other governmental entities No other use of such data shall be made or permitted by

24 ^{1/} A fourth state – Tennessee – provided state titling information to NMVTIS up to
25 December 2005. Since that date Tennessee has not supplemented or provided additional titling
26 information. DOJ is in discussion with Tennessee seeking data updates as soon as possible.

27 ^{2/} AAMVA is the current operator of NMVTIS.

28 ^{3/} However, "[n]othing in this agreement prevents the [California] DMV from providing the
same or similar information to third parties."

1 AAMVA.” Copies of the memoranda of understanding are attached as Exhibits 1 and 2.
2 Pennsylvania has informed DOJ and AAMVA that Pennsylvania state law, specifically 75 Pa. C.S.
3 § 1955(a), requires the collection of \$5.00 for release of Pennsylvania titling information.
4 Pennsylvania will permit release of its titling information on January 30, 2009, provided that \$5.00
5 is collected for each release, but its vehicle record information may not be released for consumer
6 purpose until this happens. See Exhibit 3, Letter from the Pennsylvania Office of Chief Counsel
7 to DOJ.

8 Pursuant to the Court’s September 30, 2008 Order, DOJ has had meetings and telephone
9 conferences with these States seeking release of their state titling information in NMVTIS without
10 restriction or additional fees to consumers. In addition, DOJ has been working closely with
11 AAMVA and Plaintiffs to identify a way to persuade these states to permit consumer access to
12 their vehicle information maintained by NMVTIS. DOJ will continue with these efforts during the
13 grace period provided for in the Court’s September 30, 2008 Order, and will notify the Court and
14 Plaintiffs of any matter that may significantly affect the Attorney General’s compliance with any
15 deadline set forth in the Court’s Order.

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17 Dated: January 27, 2009

Respectfully submitted,

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