

PUBLIC CITIZEN LITIGATION GROUP

1600 20TH STREET, N.W.
WASHINGTON, D.C. 20009-1001

DEEPAK GUPTA

(202) 588-7739

DGUPTA@CITIZEN.ORG

January 29, 2009

The Honorable David Paterson
Governor, State Capitol
Albany, NY 12224

Dear Governor Paterson:

I am writing to urge the State of New York to meet its obligations under federal law—and protect the safety and well-being of its citizens—by participating fully in the National Motor Vehicle Title Information System (NMVTIS), a vehicle-history database maintained by the U.S. Department of Justice. Before purchasing a potentially dangerous car, a consumer using the system will be able to instantly check the validity of the vehicle's title, verify its mileage, and learn whether it has been stolen or deemed a junk or salvage vehicle. The database will save lives.

Tomorrow, in response to litigation brought by consumer groups, the federal government will be launching consumer access to the system and issuing final regulations concerning the obligations of states, insurers, and junk and salvage yards to report data. Unfortunately, unless the New York State Department of Motor Vehicles (DMV) changes its legal position, New Yorkers will not be able to enjoy the benefits of NMVTIS, and those outside the state will be kept in the dark about vital safety information in the state's records. Although New York is reporting data to the system, the DMV is insisting that consumers be barred from accessing that data. That position is not only bad for New Yorkers, but it violates of the federal Anti-Car Theft Act, which provides that “[e]ach state shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System,” and requires that the information be made available to “prospective purchasers of automobiles.” 49 U.S.C. §§ 30503(a), 30503(e). The federal district court in San Francisco set a deadline of January 30, 2009, for consumer access, and gave the federal government until February 27, 2009, to convince New York to lift its restrictions on consumer access. *See Public Citizen v. Mukasey*, 2008 WL 4532540 (N.D. Cal. 2008).

We hope that New York will voluntarily lift its restrictions on consumer access before the deadline set by the court. If New York does not do so, we intend to work with the federal government to take whatever steps are necessary to ensure that consumers have access to critical safety information, as required by federal law.

Sincerely,

Deepak Gupta
Staff Attorney

cc: David J. Swarts, Commissioner, New York State Department of Motor Vehicles
James H. Burch, Acting Director, Bureau of Justice Assistance, U.S. Dept. of Justice