



## U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

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Washington, D.C. 20531

September 2, 2015

RE: NMVTIS Records Request for Use in Legal Proceedings

The Anti-Car Theft Act of 1992, Pub. L. No. 102-519, together with the Anti-Car Theft Improvements Act of 1996, Pub. L. No. 104-152, codified collectively at 49 U.S.C. 30501-30505 and referred to collectively as the “Anti-Car Theft Act,” established the National Motor Vehicle Title Information System (“NMVTIS”). NMVTIS is intended to prevent various types of automobile theft and fraud by providing an electronic method for verifying and exchanging automobile information among motor vehicle administrators, law enforcement officials, prospective and current purchasers and insurance carriers. This information includes:

- Current state of title
- Previous state of title
- Title issue date
- Odometer reading
- Currents brand(s)
- Previous brand(s)
- Date brand(s) applied
- Salvage and total loss history
- Name, address and contact information for reporting entity

The Bureau of Justice Assistance, within the U.S. Department of Justice, Office of Justice Programs, is responsible for implementing NMVTIS. The Anti-Car Theft Act, however, authorizes a third party to operate the system, and, since 1992, the American Association of Motor Vehicle Administrators (“AAMVA”) has acted as the operator. Because the Department of Justice does not operate NMVTIS or maintain NMVTIS records, it cannot provide data from the system. Department of Justice regulations, moreover, place restrictions on DOJ employees’ disclosure of DOJ information, generally prohibiting it absent official authorization, and such authorization cannot be compelled in state court proceedings. (*See* 28 CFR §16.22. *See also*, *United States ex rel. Touhy v. Ragen*, 340 U.S. 462, (1951); *In re Elko Grand Jury*, 109 F.3d 554 (9th Cir. 1997.)) Individuals seeking specific information regarding a NMVTIS entry, instead of seeking it from the Department of Justice, may want to contact the entity that reported the relevant record to NMVTIS or the NMVTIS operator.