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## ARIZONA ATTORNEY GENERAL

June 2, 1955  
Opinion No. 55-142

REQUESTED BY: The Honorable R. S. Hart, State Senator  
Maricopa County, Phoenix, Arizona

OPINION BY: ROBERT MORRISON, The Attorney General  
D. Kelly Turner, Assistant Attorney General

QUESTION: Are the records maintained by the Motor Vehicle Division of the State Highway Department relating to automobiles registered to an individual, as well as his past history of convictions and traffic violations, public records and open to public inspection?

CONCLUSION: Yes.

It is said that a public record is one required by law to be kept. Section 66-277, ACA, 1939, requires the highway department to maintain records pertaining to granting, suspension or revocation of automobile drivers' licenses, together with abstracts of court records of convictions of traffic accidents by individual licensees.

The common law, in the absence of statute, sustains the right of citizens to inspect public documents and records. Nowack vs. Auditor, 219 NW 749, 60 A.L.R. 1351. The right to inspect records carries with it the right to make copies, without which the right to inspect would be practically valueless.

By judicial construction, the right to inspect and copy the public records is, in general, extended to those engaged in the business of searching public records and furnishing to customers the information which is to be gained therefrom. Most cases on this point deal with land title insurers. See Bell vs. Conwell Title Insurance and Trust Co., 189 U.S. 131, 47 L.Ed. 741, 23 S.Ct. 569.

A company furnishing information regarding registration of motor vehicles was held entitled to the information in Direct Mail Service vs. Registrar of Motor Vehicles, 5 N.E.2d 545, 108 A.L.R. 1391. Auto accident reports were held to be open to inspection in Stenstrom vs. Harnett, 226 NYS 338, affirmed 249 N.Y. 606, 164 NE 602.

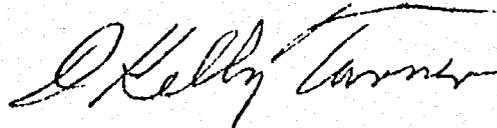
It must be concluded that public records are open to inspection and copying by the public, unless there is a direct statutory prohibition. However, if the Motor Vehicle Division has both an official record and departmental records reflecting the official record, the

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department is not required to make public its departmental records, but only the official records upon which the department bases its decisions in regard to the issuance, revocation and suspension of licenses. There is a statutory limitation in Section 66-153 (x), Code Supp. 1952, relating to certain information pertaining to motor vehicle accident reports obtained by the Motor Vehicle Division of the Highway Department.

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