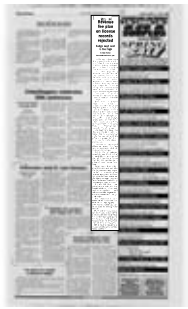




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800 114 Revenue fee plan on license records rejected

Judge says cost is too high

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For the second time in less than a year, Cole County Circuit Judge Richard Callahan told the state Revenue Department its fees for copying license records are too high.

In a seven-page ruling Thursday, Callahan said the department's decision last December to charge 3.82 cents for each license record-request still violated the state's Sunshine Law requirement that charges be limited to "charging only for the actual

staff time necessary to respond to each request made and to transfer the electronic records and the cost of any medium on which the records are copied."

Last June, Callahan told the department it could not charge "any fee" to people "requesting electronic copies, in bulk or in batch, of motor vehicle and drivers' license records other than (a) the fees/charges in effect prior to May 1, 2008, or (b) fee/charges which were thereafter established in compliance with the criteria set forth in" the state's Open Meetings/Open Records, or Sunshine, Law.

The legal battle began last May, when the Blunt administration began charging \$7 per individual record, and \$28 million for a copy of all 4 million records in the department's system.

Insurance companies and others use the records to help set insurance rates and determine vehicle histories.

Before the department raised the fees May 1, it had charged \$1.25 to get copies of individual records, and less than \$2,100 to get the state's

entire driver's license database.

Omar Davis, Blunt's Revenue Director, said last May the fee increase was implemented "to upgrade some internal equipment and systems that we have, where we don't have any appropriations from the General Assembly, as far as general revenue, to do."

But, after R.L. Polk — the parent company of Columbia-based CarFax, an online used-car-history database — and others sued the department, Callahan issued his June 20, 2008, order.

The department later raised the fee to 3.82 cents for each record, starting Dec. 1, 2008, saying it had re-calculated its costs for issuing those records.

But Callahan ruled Thursday the Sunshine law doesn't allow any per-record fee. And, if it could charge a per-record fee, Callahan ruled, the per-record cost would be no more than .34 cents, not 3.82 cents.

He ordered the department to return to the rates in effect before last May 1.