

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

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RENO, ATTORNEY GENERAL, ET AL. v. CONDON, ATTORNEY GENERAL OF SOUTH CAROLINA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 98–1464. Argued November 10, 1999– Decided January 12, 2000

State departments of motor vehicles (DMVs) require drivers and automobile owners to provide personal information, which may include a person's name, address, telephone number, vehicle description, Social Security number, medical information, and photograph, as a condition of obtaining a driver's license or registering an automobile. Finding that many States sell this information to individuals and businesses for significant revenues, Congress enacted the Driver's Privacy Protection Act of 1994 (DPPA), which establishes a regulatory scheme that restricts the States' ability to disclose a driver's personal information without the driver's consent. South Carolina law conflicts with the DPPA's provisions. Following the DPPA's enactment, South Carolina and its Attorney General filed this suit, alleging that the DPPA violates the Tenth and Eleventh Amendments to the United States Constitution. Concluding that the DPPA is incompatible with the principles of federalism inherent in the Constitution's division of power between the States and the Federal Government, the District Court granted summary judgment for the State and permanently enjoined the DPPA's enforcement against the State and its officers. The Fourth Circuit affirmed, concluding that the Act violates constitutional principles of federalism.

*Held:* In enacting the DPPA, Congress did not run afoul of the federalism principles enunciated in *New York v. United States*, 505 U. S. 144, and *Printz v. United States*, 521 U. S. 898. The Federal Government correctly asserts that the DPPA is a proper exercise of Congress' authority to regulate interstate commerce under the Commerce Clause, U. S. Const., Art. I, §8, cl. 3. The motor vehicle information which the States have historically sold is used by insurers, manufac-

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turers, direct marketers, and others engaged in interstate commerce to contact drivers with customized solicitations. The information is also used in the stream of interstate commerce by various public and private entities for matters related to interstate motoring. Because drivers' personal, identifying information is, in this context, an article of commerce, its sale or release into the interstate stream of business is sufficient to support congressional regulation. See *United States v. Lopez*, 514 U. S. 549, 558–559. This does not conclusively resolve the DPPA's constitutionality because in *New York* and *Printz* the Court held that federal statutes were invalid, not because Congress lacked legislative authority over the subject matter, but because those statutes violated Tenth Amendment federalism principles. However, the DPPA does not violate those principles. This case is instead governed by *South Carolina v. Baker*, 485 U. S. 505, in which a statute prohibiting States from issuing unregistered bonds was upheld because it regulated state activities, rather than seeking to control or influence the manner in which States regulated private parties, *id.*, at 514–515. Like that statute, the DPPA does not require the States in their sovereign capacity to regulate their own citizens; rather, it regulates the States as the owners of databases. It does not require the South Carolina Legislature to enact any laws or regulations, as did the statute at issue in *New York*, and it does not require state officials to assist in the enforcement of federal statutes regulating private individuals, as did the law considered in *Printz*. Thus, the DPPA is consistent with the principles set forth in those cases. The Court need not address South Carolina's argument that the DPPA unconstitutionally regulates the States exclusively rather than by means of a generally applicable law. The DPPA is generally applicable because it regulates the universe of entities that participate as suppliers to the market for motor vehicle information— the States as initial suppliers of the information in interstate commerce and private resellers or redisclosers of that information in commerce. Pp. 6–10.

155 F. 3d 453, reversed.

REHNQUIST, C. J., delivered the opinion for a unanimous Court.