

Act No. 101  
Public Acts of 1997  
Approved by the Governor  
August 6, 1997  
Filed with the Secretary of State  
August 7, 1997  
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STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1997

**Introduced by Senators DeBeaussaert, A. Smith, Byrum, Dingell, Miller, Schwarz, V. Smith and Cherry**

# **ENROLLED SENATE BILL No. 319**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 221, 232, and 903 (MCL 257.221, 257.232, and 257.903), section 903 as amended by 1992 PA 309, and by adding section 208d.

*The People of the State of Michigan enact:*

Sec. 208d. (1) An authorized recipient of personal information disclosed under section 208c may resell or redisclose the information only for a use permitted under section 208c.

(2) An authorized recipient of personal information disclosed under section 208c who resells or rediscloses the information shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained.

Sec. 221. (1) The secretary of state shall create and maintain a computerized central file of all applications for registration of motor vehicles and need not retain any other record of the application. The computerized central file shall be interfaced with the law enforcement information network as provided in the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(2) Such records shall be preserved for a period of 3 years after the date of registration and shall be available to the public through the secretary of state's commercial look-up service.

Sec. 232. (1) Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this act to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions. The secretary of state may charge the requesting agency a preparation fee to cover the cost of preparing and furnishing a list provided under this subsection if the cost of preparation exceeds \$25.00, and use the revenues received from the service to defray necessary expenses. The secretary of state may require the requesting agency to furnish 1 or more blank computer tapes, cartridges, or other electronic media and may require the agency to execute a written memorandum of agreement as a condition of obtaining a list of information under this subsection.

(2) The secretary of state may contract for the sale of lists of driver and motor vehicle records and other records maintained under this act in bulk, in addition to those lists distributed at cost or at no cost under this section for purposes described in section 208c(3) as well as for surveys, marketing, and solicitations. The secretary of state shall require each purchaser of records in bulk to execute a written purchase contract. The secretary of state shall fix a market based price for the sale of such lists or other records maintained in bulk, which may include personal information, and the proceeds from each sale shall be credited to the secretary of state's commercial look-up account.

(3) Before selling and furnishing any list of information under subsection (2) for surveys, marketing, and solicitations, the secretary of state shall implement methods and procedures that accomplish all of the following:

(a) Furnish individuals with a conspicuous opportunity to be informed of their right to prohibit the disclosure of personal information about them for purposes of surveys, marketing, and solicitations through an ongoing public information campaign which shall include the use of printed signs in branch offices and notices included with application and renewal forms to the extent that the secretary of state continues to use paper forms for those purposes, and may include periodic press releases, public service announcements, advertisements, pamphlets, notices in electronic media, and other types of notice. Each printed sign shall be not less than 8-1/2 inches wide by 11 inches high and contain a caption in not less than 46-point type. If the secretary of state furnishes notice on forms, the information printed on the forms shall be similar to the information printed on branch office signs. The secretary of state shall review the public information campaign on an annual basis in order to update notice content and furnish notice by more effective means.

(b) Provide individuals with a conspicuous opportunity, through a telephonic, automated, or other efficient system, to notify the secretary of state of their desire to prohibit the disclosure of personal information about them, for purposes of surveys, marketing, and solicitations. The secretary of state may contract with another public or private person or agency to implement this subdivision.

(c) Ensure that personal information disclosed in bulk will be used, rented, or sold solely for uses permitted under this act, and that surveys, marketing, and solicitations will not be directed at those individuals who in a timely fashion have notified the secretary of state that surveys, marketing, and solicitations should not be directed at them.

(4) The secretary of state may insert any safeguard the secretary considers reasonable or necessary, including a bond requirement, in a memorandum of agreement or purchase contract executed under this section, to ensure that the information provided or sold is used only for a permissible use and that the rights of individuals and of the department are protected.

(5) An authorized recipient of personal information disclosed under this section who resells or rediscloses the information for survey, marketing, and solicitations shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(6) The secretary of state shall not disclose a list based on driving behavior or sanctions to a nongovernmental agency, including an individual.

Sec. 903. (1) A person who makes a false certification to a matter or thing required by the terms of this act to be certified, including but not limited to an application for any type of driver license, dealer license, vehicle certificate of title, vehicle registration, vehicle inspection, self-insurance, personal information, or commercial driver training school, is guilty of a felony. A person who uses personal information for a purpose other than a permissible purpose identified in section 208c or 232 is guilty of a felony.

(2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

Enacting section 1. This amendatory act takes effect July 1, 1997.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

- (a) Senate Bill No. 534.
- (b) House Bill No. 4700.
- (c) House Bill No. 4701.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate.

*Mary R. Bell*

Clerk of the House of Representatives.

Approved .....

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Governor.