

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5227**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 232 (MCL 257.232), as amended by 1997
PA 101.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 232. (1) Upon request, the secretary of state may fur-
2 nish a list of information from the records of the department
3 maintained under this act to a federal, state, or local govern-
4 mental agency for use in carrying out the agency's functions, or
5 to a private person or entity acting on behalf of a governmental
6 agency for use in carrying out the agency's functions. The sec-
7 retary of state may charge the requesting agency a preparation
8 fee to cover the cost of preparing and furnishing a list provided
9 under this subsection if the cost of preparation exceeds \$25.00,
10 and use the revenues received from the service to defray

1 necessary expenses. IF THE SECRETARY OF STATE SELLS A LIST OF
2 INFORMATION UNDER THIS SUBSECTION TO A MEMBER OF THE STATE LEGIS-
3 LATURE, THE SECRETARY OF STATE SHALL CHARGE THE SAME FEE AS THE
4 FEE FOR THE SALE OF INFORMATION UNDER SUBSECTION (2) UNLESS THE
5 LIST OF INFORMATION IS REQUESTED BY THE MEMBER OF THE LEGISLATURE
6 TO CARRY OUT A LEGISLATIVE FUNCTION. The secretary of state may
7 require the requesting agency to furnish 1 or more blank computer
8 tapes, cartridges, or other electronic media and may require the
9 agency to execute a written memorandum of agreement as a condi-
10 tion of obtaining a list of information under this subsection.

11 (2) The secretary of state may contract for the sale of
12 lists of driver and motor vehicle records and other records main-
13 tained under this act in bulk, in addition to those lists dis-
14 tributed at cost or at no cost under this section for purposes
15 PERMITTED BY AND described in section 208c(3). ~~as well as for~~
16 ~~surveys, marketing, and solicitations.~~ The secretary of state
17 shall require each purchaser of records in bulk to execute a
18 written purchase contract. The secretary of state shall fix a
19 market based price for the sale of such lists or other records
20 maintained in bulk, which may include personal information. ~~;~~
21 ~~and the~~ THE proceeds from each sale shall be credited to the
22 secretary of state's commercial look-up account.

23 (3) ~~Before selling and furnishing~~ THE SECRETARY OF STATE
24 OR ANY OTHER STATE AGENCY SHALL NOT SELL OR FURNISH any list of
25 information
26 under subsection (2) for THE PURPOSE OF surveys, marketing, and
27 solicitations. ~~the secretary of state shall implement methods~~
~~and procedures that accomplish all of the following:~~

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

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

25 ~~(c) Ensure~~ THE SECRETARY OF STATE SHALL ENSURE that per-
26 sonal information disclosed in bulk will be used, rented, or sold
27 solely for uses permitted under this act. ~~-, and that surveys,~~

HB 5227, As Passed Senate, May 11, 2000

House Bill No. 5227

4

1 ~~marketing, and solicitations will not be directed at those~~
2 ~~individuals who in a timely fashion have notified the secretary~~
3 ~~of state that surveys, marketing, and solicitations should not be~~
4 ~~directed at them.~~

5 (4) The secretary of state may insert any safeguard the sec-
6 retary considers reasonable or necessary, including a bond
7 requirement, in a memorandum of agreement or purchase contract
8 executed under this section, to ensure that the information pro-
9 vided or sold is used only for a permissible ~~use~~ PURPOSE and
10 that the rights of individuals and of the department are
11 protected.

12 (5) An authorized recipient of personal information dis-
13 closed under this section who resells or rediscloses the informa-
14 tion for ~~survey, marketing, and solicitations~~ ANY OF THE PUR-
15 POSES PERMITTED BY AND DESCRIBED IN SECTION 208C(3) shall do both
16 of the following:

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

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

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

HB 5227, As Passed Senate, May 11, 2000

House Bill No. 5227

5

1 Enacting section 1. This amendatory act takes effect June
2 1, 2000.