



HOUSE BILL No. 5227

January 19, 2000, Introduced by Rep. Stamas and referred to the Committee on Transportation.

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. The secretary of state may require the
2 requesting agency to furnish 1 or more blank computer tapes, car-
3 tridges, or other electronic media and may require the agency to
4 execute a written memorandum of agreement as a condition of
5 obtaining a list of information under this subsection.

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

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

23 (a) ~~Furnish individuals with a conspicuous opportunity to be~~
24 ~~informed of their right to prohibit the disclosure of personal~~
25 ~~information about them for purposes of surveys, marketing, and~~
26 ~~solicitations through an ongoing public information campaign~~
27 ~~which shall include the use of printed signs in branch offices~~

~~1 and notices included with application and renewal forms to the
2 extent that the secretary of state continues to use paper forms
3 for those purposes, and may include periodic press releases,
4 public service announcements, advertisements, pamphlets, notices
5 in electronic media, and other types of notice. Each printed
6 sign shall be not less than 8-1/2 inches wide by 11 inches high
7 and contain a caption in not less than 46-point type. If the
8 secretary of state furnishes notice on forms, the information
9 printed on the forms shall be similar to the information printed
10 on branch office signs. The secretary of state shall review the
11 public information campaign on an annual basis in order to update
12 notice content and furnish notice by more effective means.~~

~~13 (b) Provide individuals with a conspicuous opportunity,
14 through a telephonic, automated, or other efficient system, to
15 notify the secretary of state of their desire to prohibit the
16 disclosure of personal information about them, for purposes of
17 surveys, marketing, and solicitations. The secretary of state
18 may contract with another public or private person or agency to
19 implement this subdivision.~~

~~20 (c) Ensure THE SECRETARY OF STATE SHALL ENSURE that per-
21 sonal information disclosed in bulk will be used, rented, or sold
22 solely for uses permitted under this act. , and that surveys,
23 marketing, and solicitations will not be directed at those indi-
24 viduals who in a timely fashion have notified the secretary of
25 state that surveys, marketing, and solicitations should not be
26 directed at them.~~

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

7 (5) An authorized recipient of personal information dis-
8 closed under this section who resells or rediscloses the informa-
9 tion for ~~survey, marketing, and solicitations~~ ANY OF THE PER-
10 MISSIBLE PURPOSES DESCRIBED IN SECTION 208C(3) shall do both of
11 the following:

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

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

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