



HOUSE BILL No. 5229

January 25, 2000, Introduced by Rep. Kuipers and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208d and 232 (MCL 257.208d and 257.232), section 208d as added and section 232 as amended by 1997 PA 101.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208d. (1) An authorized recipient of personal informa-
2 tion disclosed under section 208c may ~~resell or redisclose~~
3 DISCLOSE the information only for a use permitted under section
4 208c.

5 (2) An authorized recipient of personal information dis-
6 closed under section 208c ~~who resells or rediscloses~~ MAY NOT
7 SELL OR DISCLOSE the information UNLESS THE SALE OR DISCLOSURE IS
8 SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE OR FEDERAL
9 LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION WHO SELLS
10 OR DISCLOSES THE INFORMATION shall do both of the following:

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

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

9 Sec. 232. (1) Upon request, the secretary of state may fur-
10 nish a list of information from the records of the department
11 maintained under this act to a federal, state, or local govern-
12 mental agency for use in carrying out the agency's functions, or
13 to a private person or entity acting on behalf of a governmental
14 agency for use in carrying out the agency's functions. The sec-
15 retary of state may charge the requesting agency a preparation
16 fee to cover the cost of preparing and furnishing a list provided
17 under this subsection if the cost of preparation exceeds \$25.00,
18 and use the revenues received from the service to defray neces-
19 sary expenses. The secretary of state may require the requesting
20 agency to furnish 1 or more blank computer tapes, cartridges, or
21 other electronic media and may require the agency to execute a
22 written memorandum of agreement as a condition of obtaining a
23 list of information under this subsection.

24 ~~(2) The secretary of state may contract for the sale of~~
25 ~~lists of driver and motor vehicle records and other records main-~~
26 ~~tained under this act in bulk, in addition to those lists~~
27 ~~distributed at cost or at no cost under this section for purposes~~

~~1 described in section 208c(3) as well as for surveys, marketing,
2 and solicitations. The secretary of state shall require each
3 purchaser of records in bulk to execute a written purchase
4 contract. The secretary of state shall fix a market based price
5 for the sale of such lists or other records maintained in bulk,
6 which may include personal information, and the proceeds from
7 each sale shall be credited to the secretary of state's commer=
8 cial look-up account.~~

~~9 (3) Before selling and furnishing any list of information
10 under subsection (2) for surveys, marketing, and solicitations,
11 the secretary of state shall implement methods and procedures
12 that accomplish all of the following:~~

~~13 (a) Furnish individuals with a conspicuous opportunity to be
14 informed of their right to prohibit the disclosure of personal
15 information about them for purposes of surveys, marketing, and
16 solicitations through an ongoing public information campaign
17 which shall include the use of printed signs in branch offices
18 and notices included with application and renewal forms to the
19 extent that the secretary of state continues to use paper forms
20 for those purposes, and may include periodic press releases,
21 public service announcements, advertisements, pamphlets, notices
22 in electronic media, and other types of notice. Each printed
23 sign shall be not less than 8-1/2 inches wide by 11 inches high
24 and contain a caption in not less than 46-point type. If the
25 secretary of state furnishes notice on forms, the information
26 printed on the forms shall be similar to the information printed
27 on branch office signs. The secretary of state shall review the~~

~~1 public information campaign on an annual basis in order to update
2 notice content and furnish notice by more effective means.~~

~~3 (b) Provide individuals with a conspicuous opportunity,
4 through a telephonic, automated, or other efficient system, to
5 notify the secretary of state of their desire to prohibit the
6 disclosure of personal information about them, for purposes of
7 surveys, marketing, and solicitations. The secretary of state
8 may contract with another public or private person or agency to
9 implement this subdivision.~~

~~10 (c) Ensure that personal information disclosed in bulk will
11 be used, rented, or sold solely for uses permitted under this
12 act, and that surveys, marketing, and solicitations will not be
13 directed at those individuals who in a timely fashion have noti=
14 fied the secretary of state that surveys, marketing, and solici=
15 tations should not be directed at them.~~

~~16 (4) The secretary of state may insert any safeguard the sec=
17 retary considers reasonable or necessary, including a bond
18 requirement, in a memorandum of agreement or purchase contract
19 executed under this section, to ensure that the information pro=
20 vided or sold is used only for a permissible use and that the
21 rights of individuals and of the department are protected.~~

~~22 (2) -(5) THE SECRETARY OF STATE SHALL NOT SELL OR DISCLOSE
23 TO A PRIVATE PERSON OR ENTITY PERSONAL INFORMATION FROM THE
24 RECORDS OF THE DEPARTMENT MAINTAINED UNDER THIS PART UNLESS THE
25 SALE OR DISCLOSURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR BY
26 OTHER STATE OR FEDERAL LAW. An authorized recipient of personal
27 information disclosed under this section ~~who resells or~~~~

1 ~~rediscloses~~ MAY NOT SELL OR DISCLOSE the information ~~for~~
2 ~~survey, marketing, and solicitations~~ UNLESS THE SALE OR DISCLO-
3 SURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE OR
4 FEDERAL LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION WHO
5 SELLS OR DISCLOSES THE INFORMATION shall do both of the
6 following:

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

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

15 (3) ~~(6)~~ The secretary of state shall not disclose a list
16 based on driving behavior or sanctions to a nongovernmental
17 agency, including an individual.

18 Enacting section 1. This amendatory act does not take
19 effect unless all of the following bills of the 90th Legislature
20 are enacted into law:

21 (a) Senate Bill No. _____ or House Bill No. 5230 (request
22 no. 04035'99 a).

23 (b) Senate Bill No. _____ or House Bill No. 5231 (request
24 no. 04035'99 b).