



HOUSE BILL No. 5231

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

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80130c, 80315c, 81114b, 81114c, and 82156c
(MCL 324.80130c, 324.80315c, 324.81114b, 324.81114c, and
324.82156c), as added by 1997 PA 102.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80130c. (1) Upon request, the secretary of state may
2 furnish a list of information from the records of the department
3 maintained under this part 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. Unless
7 otherwise prohibited by law, the secretary of state may charge
8 the requesting agency a preparation fee to cover the cost of
9 preparing and furnishing a list provided under this subsection if

1 the cost of preparation exceeds \$25.00, and use the revenues
2 received from the service to defray necessary expenses. The sec-
3 retary of state may require the requesting agency to furnish 1 or
4 more blank computer tapes, cartridges, or other electronic media,
5 and may require the agency to execute a written memorandum of
6 agreement as a condition of obtaining a list of information under
7 this subsection.

8 ~~(2) The secretary of state may contract for the sale of~~
9 ~~lists of records maintained under this part in bulk, in addition~~
10 ~~to those lists distributed at cost or at no cost under this sec-~~
11 ~~tion, for purposes defined in section 80130a(3) as well as for~~
12 ~~surveys, marketing, and solicitations. The secretary of state~~
13 ~~shall require each purchaser of information in bulk to execute a~~
14 ~~written purchase contract. The secretary of state shall fix a~~
15 ~~market-based price for the sale of lists of bulk information,~~
16 ~~which may include personal information. The proceeds from each~~
17 ~~sale shall be used by the secretary of state to defray the costs~~
18 ~~of list preparation and for other necessary or related expenses.~~

19 ~~(3) Before selling and furnishing any list of information~~
20 ~~under subsection (2) for surveys, marketing, and solicitations,~~
21 ~~the secretary of state shall implement methods and procedures~~
22 ~~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 these purposes, and may include periodic press releases,
4 public service announcements, advertisements, pamphlets, notices
5 on forms, notices in electronic media, and other types of
6 notice. Each printed sign shall be not less than 8-1/2 inches
7 wide by 11 inches high and contain a caption in not less than
8 46-point type. If the secretary of state furnishes notice on
9 forms, the information printed on the forms shall be similar to
10 the information printed on branch office signs. The secretary of
11 state shall review the public information campaign on an annual
12 basis in order to update notice content and furnish notice by
13 more effective means.~~

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

~~21 (c) Ensure that personal information disclosed in bulk will
22 be used, rented, or sold solely for uses permitted under this
23 part, and that surveys, marketing, and solicitations will not be
24 directed at those individuals who in a timely fashion have noti=
25 fied the secretary of state that surveys, marketing, and solici=
26 tations should not be 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 fur-~~
5 ~~nished or sold is used only for a permissible use and that the~~
6 ~~rights of individuals and of the secretary of state are~~
7 ~~protected.~~

8 (2) ~~-(5)-~~ THE SECRETARY OF STATE SHALL NOT SELL OR DISCLOSE
9 TO A PRIVATE PERSON OR ENTITY PERSONAL INFORMATION FROM THE
10 RECORDS OF THE DEPARTMENT MAINTAINED UNDER THIS PART UNLESS THE
11 SALE OR DISCLOSURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR BY
12 OTHER STATE OR FEDERAL LAW. An authorized recipient of personal
13 information disclosed under this section ~~who resells or~~
14 ~~rediscloses~~ MAY NOT SELL OR DISCLOSE the information ~~for sur-~~
15 ~~veys, marketing, and solicitations~~ UNLESS THE SALE OR DISCLOSURE
16 IS SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE OR FEDERAL
17 LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION WHO SELLS
18 OR DISCLOSES THE INFORMATION shall do both of the following:

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

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

1 (3) ~~(6)~~ The secretary of state shall not disclose a list
2 based on watercraft operation or sanctions to a nongovernmental
3 agency, including an individual.

4 Sec. 80315c. (1) Upon request, the secretary of state may
5 furnish a list of information from the records of the department
6 maintained under this part to a federal, state, or local govern-
7 mental agency for use in carrying out the agency's functions, or
8 to a private person or entity acting on behalf of a governmental
9 agency for use in carrying out the agency's functions. Unless
10 otherwise prohibited by law, the secretary of state may charge
11 the requesting agency a preparation fee to cover the cost of pre-
12 paring and furnishing a list provided under this subsection if
13 the cost of preparation exceeds \$25.00, and use the revenues
14 received from the service to defray necessary expenses. The sec-
15 retary of state may require the requesting agency to furnish 1 or
16 more blank computer tapes, cartridges, or other electronic media,
17 and may require the agency to execute a written memorandum of
18 agreement as a condition of obtaining a list of information under
19 this subsection.

20 ~~(2) The secretary of state may contract for the sale of~~
21 ~~lists of records maintained under this part in bulk, in addition~~
22 ~~to those lists distributed at cost or at no cost under this sec-~~
23 ~~tion, for purposes defined in section 80315a(3) as well as for~~
24 ~~surveys, marketing, and solicitations. The secretary of state~~
25 ~~shall require each purchaser of information in bulk to execute a~~
26 ~~written purchase contract. The secretary of state shall fix a~~
27 ~~market-based price for the sale of lists of bulk information,~~

~~1 which may include personal information. The proceeds from each
2 sale shall be used by the secretary of state to defray the costs
3 of list preparation and for other necessary or related expenses.~~

~~4 (3) Before selling and furnishing any list of information
5 under subsection (2) for surveys, marketing, and solicitations,
6 the secretary of state shall implement methods and procedures
7 that accomplish all of the following:~~

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

~~26 (b) Provide individuals with a conspicuous opportunity,
27 through a telephonic, automated, or other efficient system, to~~

~~1 notify the secretary of state of their desire to prohibit the
2 disclosure of personal information about them, for purposes of
3 surveys, marketing, and solicitations. The secretary of state
4 may contract with another public or private person or agency to
5 implement this subdivision.~~

~~6 (c) Ensure that personal information disclosed in bulk will
7 be used, rented, or sold solely for uses permitted under this
8 part, and that surveys, marketing, and solicitations will not be
9 directed at those individuals who in a timely fashion have noti=
10 fied the secretary of state that surveys, marketing, and solici=
11 tations should not be directed at them.~~

~~12 (4) The secretary of state may insert any safeguard the sec=
13 retary considers reasonable or necessary, including a bond
14 requirement, in a memorandum of agreement or purchase contract
15 executed under this section, to ensure that the information fur=
16 nished or sold is used only for a permissible use and that the
17 rights of individuals and of the secretary of state are
18 protected.~~

~~19 (2) —(5)— THE SECRETARY OF STATE SHALL NOT SELL OR DISCLOSE
20 TO A PRIVATE PERSON OR ENTITY PERSONAL INFORMATION FROM THE
21 RECORDS OF THE DEPARTMENT MAINTAINED UNDER THIS PART UNLESS THE
22 SALE OR DISCLOSURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR BY
23 OTHER STATE OR FEDERAL LAW. An authorized recipient of personal
24 information disclosed under this section ~~who resells or~~
25 ~~rediscloses~~ MAY NOT SELL OR DISCLOSE the information ~~for sur=
26 veys, marketing, and solicitations~~ UNLESS THE SALE OR DISCLOSURE
27 IS SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE OR FEDERAL~~

1 LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION WHO SELLS
2 OR DISCLOSES THE INFORMATION shall do both of the following:

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

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

11 Sec. 81114b. (1) An authorized recipient of personal infor-
12 mation under section 81114a may ~~resell or redisclose~~ DISCLOSE
13 the information ONLY for ~~any~~ A use permitted under section
14 81114a.

15 (2) ~~Any~~ AN authorized recipient of personal information
16 disclosed under section 81114a ~~who resells or rediscloses~~ MAY
17 NOT SELL OR DISCLOSE THE personal information UNLESS THE SALE OR
18 DISCLOSURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE
19 OR FEDERAL LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION
20 WHO SELLS OR DISCLOSES THE INFORMATION shall be required by the
21 secretary of state to maintain for a period of not less than 5
22 years records as to the information obtained and the permitted
23 use for which it was obtained, and to make such records available
24 for inspection by the secretary of state, upon request.

25 Sec. 81114c. (1) Upon request, the secretary of state may
26 furnish a list of information from the records of the department
27 maintained under this part to a federal, state, or local

1 governmental agency for use in carrying out the agency's
2 functions, or to a private person or entity acting on behalf of a
3 governmental agency for use in carrying out the agency's
4 functions. Unless otherwise prohibited by law, the secretary of
5 state may charge the requesting agency a preparation fee to cover
6 the cost of preparing and furnishing a list provided under this
7 subsection if the cost of preparation exceeds \$25.00, and use the
8 revenues received from the service to defray necessary expenses.
9 The secretary of state may require the requesting agency to fur-
10 nish 1 or more blank computer tapes, cartridges, or other elec-
11 tronic media, and may require the agency to execute a written
12 memorandum of agreement as a condition of obtaining a list of
13 information under this subsection.

14 ~~-(2) The secretary of state may contract for the sale of~~
15 ~~lists of records maintained under this part in bulk, in addition~~
16 ~~to those lists distributed at cost or at no cost under this sec-~~
17 ~~tion, for purposes defined in section 81114a(3) as well as for~~
18 ~~surveys, marketing, and solicitations. The secretary of state~~
19 ~~shall require each purchaser of information in bulk to execute a~~
20 ~~written purchase contract. The secretary of state shall fix a~~
21 ~~market-based price for the sale of lists of bulk information,~~
22 ~~which may include personal information. The proceeds from each~~
23 ~~sale shall be used by the secretary of state to defray the costs~~
24 ~~of list preparation and for other necessary or related expenses.~~

25 ~~(3) Before selling and furnishing any list of information~~
26 ~~under subsection (2) for surveys, marketing, and solicitations,~~

1 the secretary of state shall implement methods and procedures
2 that accomplish all of the following:

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

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

1 ~~(c) Ensure that personal information disclosed in bulk will~~
2 ~~be used, rented, or sold solely for uses permitted under this~~
3 ~~part, and that surveys, marketing, and solicitations will not be~~
4 ~~directed at those individuals who in a timely fashion have noti-~~
5 ~~fied the secretary of state that surveys, marketing, and solici-~~
6 ~~tations should not be directed at them.~~

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

14 (2) ~~-(5)-~~ THE SECRETARY OF STATE SHALL NOT SELL OR DISCLOSE
15 TO A PRIVATE PERSON OR ENTITY PERSONAL INFORMATION FROM THE
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19 information disclosed under this section ~~who resells or~~
20 ~~rediscloses~~ MAY NOT SELL OR DISCLOSE the information ~~for sur-~~
21 ~~veys, marketing, and solicitations~~ UNLESS THE SALE OR DISCLOSURE
22 IS SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE OR FEDERAL
23 LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION WHO SELLS
24 OR DISCLOSES THE INFORMATION shall do both of the following:

25 (a) Make and keep for a period of not less than 5 years
26 records identifying each person who received personal information

1 from the authorized recipient and the permitted purpose for which
2 it was obtained.

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

7 (3) ~~-(6)-~~ The secretary of state shall not disclose a list
8 based on ORV operation or sanctions to a nongovernmental agency,
9 including an individual.

10 Sec. 82156c. (1) Upon request, the secretary of state may
11 furnish a list of information from the records of the department
12 maintained under this part to a federal, state, or local govern-
13 mental agency for use in carrying out the agency's functions, or
14 to a private person or entity acting on behalf of a governmental
15 agency for use in carrying out the agency's functions. Unless
16 otherwise prohibited by law, the secretary of state may charge
17 the requesting agency a preparation fee to cover the cost of pre-
18 paring and furnishing a list provided under this subsection if
19 the cost of preparation exceeds \$25.00, and use the revenues
20 received from the service to defray necessary expenses. The sec-
21 retary of state may require the requesting agency to furnish 1 or
22 more blank computer tapes, cartridges, or other electronic media,
23 and may require the agency to execute a written memorandum of
24 agreement as a condition of obtaining a list of information under
25 this subsection.

26 ~~-(2) The secretary of state may contract for the sale of~~
27 ~~lists of records maintained under this part in bulk, in addition~~

~~1 to those lists distributed at cost or at no cost under this
2 section, for purposes defined in section 82156a(3) as well as for
3 surveys, marketing, and solicitations. The secretary of state
4 shall require each purchaser of information in bulk to execute a
5 written purchase contract. The secretary of state shall fix a
6 market-based price for the sale of lists of bulk information,
7 which may include personal information. The proceeds from each
8 sale shall be used by the secretary of state to defray the costs
9 of list preparation and for other necessary or related expenses.~~

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

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

~~1 the information printed on branch office signs. The secretary of
2 state shall review the public information campaign on an annual
3 basis in order to update notice content and furnish notice by
4 more effective means.~~

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

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

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

~~25 (2) (5) THE SECRETARY OF STATE SHALL NOT SELL OR DISCLOSE
26 TO A PRIVATE PERSON OR ENTITY PERSONAL INFORMATION FROM THE
27 RECORDS OF THE DEPARTMENT MAINTAINED UNDER THIS PART UNLESS THE~~

1 SALE OR DISCLOSURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR BY
2 OTHER STATE OR FEDERAL LAW. An authorized recipient of personal
3 information disclosed under this section ~~who resells or~~
4 ~~rediscloses~~ MAY NOT SELL OR DISCLOSE the information ~~for sur-~~
5 ~~veys, marketing, and solicitations~~ UNLESS THE SALE OR DISCLOSURE
6 IS SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE OR FEDERAL
7 LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION WHO SELLS
8 OR DISCLOSES THE INFORMATION shall do both of the following:

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

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

17 (3) ~~(6)~~ The secretary of state shall not disclose a list
18 based on snowmobile operation or sanctions to a nongovernmental
19 agency, including an individual.

20 ~~(7) The secretary of state, on a continuing basis, shall~~
21 ~~inform individuals of their right to prohibit the disclosure of~~
22 ~~personal information pertaining to them for purposes of surveys,~~
23 ~~marketing, and solicitations through the use of a telephone or~~
24 ~~other automated or efficient system, the use of inserts within~~
25 ~~individual mailings, and by placing appropriate signs within~~
26 ~~branch offices.~~

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

4 (a) Senate Bill No. _____ or House Bill No. 5229 (request
5 no. 04035'99).

6 (b) Senate Bill No. _____ or House Bill No. 5230 (request
7 no. 04035'99 a).