



# HOUSE BILL No. 5270

February 3, 2000, Introduced by Reps. Richardville, Shackleton, Pumford, DeVuyst, Ruth Johnson, Koetje, Mortimer, Caul, Faunce, Kukuk, Howell, LaSata, Birkholz, Gilbert, DeRossett, Sanborn, Van Woerkom, Hager, Gosselin, Julian, Rick Johnson, Stamas, Ehardt, Scranton, Voorhees, Bovin, Middaugh, Bishop, Mans, Gielegthem, Kowall, Jansen, Kuipers, Toy, Bob Brown, Scott, Jellema, Vear, Raczkowski, Martinez and Lemmons 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, 81114c, and 82156c  
(MCL 324.80130c, 324.80315c, 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~~ THE SECRETARY OF STATE  
20 OR ANY OTHER STATE AGENCY SHALL NOT SELL any list of information  
21 under subsection (2) for THE PURPOSE OF surveys, marketing, and  
22 solicitations. ~~, the secretary of state shall implement methods~~  
23 ~~and procedures that accomplish all of the following:~~

24       (a) ~~Furnish individuals with a conspicuous opportunity to be~~  
25 ~~informed of their right to prohibit the disclosure of personal~~  
26 ~~information about them for purposes of surveys, marketing, and~~  
27 ~~solicitations through an ongoing public information campaign~~

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

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

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

1 ~~state that surveys, marketing, and solicitations should not be~~  
2 ~~directed at them.~~

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

10       (5) An authorized recipient of personal information dis-  
11 closed under this section who resells or rediscloses the informa-  
12 tion for ~~surveys, marketing, and solicitations~~ ANY OF THE PER-  
13 MISSIBLE PURPOSES DESCRIBED IN SECTION 80130A(3) shall do both of  
14 the following:

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

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

23       (6) The secretary of state shall not disclose a list based  
24 on watercraft operation or sanctions to a nongovernmental agency,  
25 including an individual.

26       Sec. 80315c. (1) Upon request, the secretary of state may  
27 furnish a list of information from the records of the department

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

15       (2) The secretary of state may contract for the sale of  
16 lists of records maintained under this part in bulk, in addition  
17 to those lists distributed at cost or at no cost under this sec-  
18 tion, for purposes defined in section 80315a(3) as well as for  
19 surveys, marketing, and solicitations. The secretary of state  
20 shall require each purchaser of information in bulk to execute a  
21 written purchase contract. The secretary of state shall fix a  
22 market-based price for the sale of lists of bulk information,  
23 which may include personal information. The proceeds from each  
24 sale shall be used by the secretary of state to defray the costs  
25 of list preparation and for other necessary or related expenses.

26       (3) ~~Before selling and furnishing~~ THE SECRETARY OF STATE  
27 OR ANY OTHER STATE AGENCY SHALL NOT SELL any list of information

1 under subsection (2) for THE PURPOSE OF surveys, marketing, and  
2 solicitations. ~~—, the secretary of state shall implement methods~~  
3 ~~and procedures that accomplish all of the following:~~

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

22       ~~(b) Provide individuals with a conspicuous opportunity,~~  
23 ~~through a telephonic, automated, or other efficient system, to~~  
24 ~~notify the secretary of state of their desire to prohibit the~~  
25 ~~disclosure of personal information about them, for purposes of~~  
26 ~~surveys, marketing, and solicitations. The secretary of state~~

1 ~~may contract with another public or private person or agency to~~  
2 ~~implement this subdivision.~~

3       ~~(c) Ensure~~ THE SECRETARY OF STATE SHALL ENSURE that per-  
4 sonal information disclosed in bulk will be used, rented, or sold  
5 solely for uses permitted under this part. ~~, and that surveys,~~  
6 ~~marketing, and solicitations will not be directed at those indi-~~  
7 ~~viduals who in a timely fashion have notified the secretary of~~  
8 ~~state that surveys, marketing, and solicitations should not be~~  
9 ~~directed at them.~~

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

17       (5) An authorized recipient of personal information dis-  
18 closed under this section who resells or rediscloses the informa-  
19 tion for ~~surveys, marketing, and solicitations~~ ANY OF THE PER-  
20 MISSIBLE PURPOSES DESCRIBED IN SECTION 80315A(3) shall do both of  
21 the following:

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

26       (b) Allow a representative of the secretary of state, upon  
27 request, to inspect and copy records identifying each person who

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

3       Sec. 81114c. (1) Upon request, the secretary of state may  
4 furnish a list of information from the records of the department  
5 maintained under this part to a federal, state, or local govern-  
6 mental agency for use in carrying out the agency's functions, or  
7 to a private person or entity acting on behalf of a governmental  
8 agency for use in carrying out the agency's functions. Unless  
9 otherwise prohibited by law, the secretary of state may charge  
10 the requesting agency a preparation fee to cover the cost of pre-  
11 paring and furnishing a list provided under this subsection if  
12 the cost of preparation exceeds \$25.00, and use the revenues  
13 received from the service to defray necessary expenses. The sec-  
14 retary of state may require the requesting agency to furnish 1 or  
15 more blank computer tapes, cartridges, or other electronic media,  
16 and may require the agency to execute a written memorandum of  
17 agreement as a condition of obtaining a list of information under  
18 this subsection.

19       (2) The secretary of state may contract for the sale of  
20 lists of records maintained under this part in bulk, in addition  
21 to those lists distributed at cost or at no cost under this sec-  
22 tion, for purposes defined in section 81114a(3). ~~as well as for~~  
23 ~~surveys, marketing, and solicitations.~~ The secretary of state  
24 shall require each purchaser of information in bulk to execute a  
25 written purchase contract. The secretary of state shall fix a  
26 market-based price for the sale of lists of bulk information,  
27 which may include personal information. The proceeds from each



1 sale shall be used by the secretary of state to defray the costs  
2 of list preparation and for other necessary or related expenses.

3       (3) ~~Before selling and furnishing~~ THE SECRETARY OF STATE  
4 OR ANY OTHER STATE AGENCY SHALL NOT SELL any list of information  
5 under subsection (2) for THE PURPOSE OF surveys, marketing, and  
6 solicitations. ~~, the secretary of state shall implement methods~~  
7 ~~and procedures 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~~ THE SECRETARY OF STATE SHALL ENSURE that per-  
7 sonal information disclosed in bulk will be used, rented, or sold  
8 solely for uses permitted under this part. ~~, and that surveys,~~  
9 ~~marketing, and solicitations will not be directed at those indi-~~  
10 ~~viduals who in a timely fashion have notified the secretary of~~  
11 ~~state that surveys, marketing, and solicitations should not be~~  
12 ~~directed at them.~~

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

20       (5) An authorized recipient of personal information dis-  
21 closed under this section who resells or rediscloses the informa-  
22 tion for ~~surveys, marketing, and solicitations~~ ANY OF THE PER-  
23 MISSIBLE PURPOSES DESCRIBED IN SECTION 81114A(3) shall do both of  
24 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 (6) The secretary of state shall not disclose a list based  
8 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~~  
3 ~~for surveys, marketing, and solicitations.~~ The secretary of  
4 state shall require each purchaser of information in bulk to exe-  
5 cute a written purchase contract. The secretary of state shall  
6 fix a market-based price for the sale of lists of bulk informa-  
7 tion, which may include personal information. The proceeds from  
8 each sale shall be used by the secretary of state to defray the  
9 costs of list preparation and for other necessary or related  
10 expenses.

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

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

1 ~~46-point type. If the secretary of state furnishes notice on~~  
2 ~~forms, the information printed on the forms shall be similar to~~  
3 ~~the information printed on branch office signs. The secretary of~~  
4 ~~state shall review the public information campaign on an annual~~  
5 ~~basis in order to update notice content and furnish notice by~~  
6 ~~more effective means.~~

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

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

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

1 (5) An authorized recipient of personal information  
2 disclosed under this section who resells or rediscloses the  
3 information for ~~surveys, marketing, and solicitations~~ ANY OF  
4 THE PERMISSIBLE PURPOSES DESCRIBED IN SECTION 82156A(3) shall do  
5 both of the following:

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

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

14 (6) The secretary of state shall not disclose a list based  
15 on snowmobile operation or sanctions to a nongovernmental agency,  
16 including an individual.

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