

SUBSTITUTE FOR
SENATE BILL NO. 549

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 208b and 232 (MCL 257.208b and 257.232),
section 208b as amended by 2000 PA 159 and section 232 as amended
by 2000 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208b. (1) The secretary of state may provide a commercial
2 look-up service of records maintained under this act. For each
3 individual record looked up, the secretary of state shall charge a
4 fee specified annually by the legislature, or if the legislature
5 does not specify a fee, a market-based price established by the
6 secretary of state. The secretary of state shall process a
7 commercial look-up request only if the request is in a form or
8 format prescribed by the secretary of state. **FEES COLLECTED UNDER**

1 THIS SUBSECTION ON AND AFTER OCTOBER 1, 2004 SHALL BE CREDITED TO
2 THE TRANSPORTATION ADMINISTRATION COLLECTION FUND CREATED IN
3 SECTION 810B.

4 (2) A driver training school operator shall subscribe to the
5 commercial look-up service maintained by the secretary of state.

6 (3) A driver training school operator shall maintain on the
7 premises of the driver training school the most current copy of all
8 nonpersonal information related to his or her driving record and
9 the driving record of each instructor employed by the driver
10 training school operator for review by any prospective customer or
11 the parent or guardian of a prospective customer.

12 (4) A prospective customer or the parent or guardian of a
13 prospective customer may review a copy of all nonpersonal
14 information related to the driving record of the driver training
15 school operator or an instructor employed by the driver training
16 school operator.

17 (5) A driver training school operator shall include in its
18 contract with each client, as prescribed by the secretary of state,
19 a notice that nonpersonal information related to the driving record
20 of each individual instructor is available for review by the
21 general public. A driver training school operator that fails to
22 include the information required by this subsection is subject to a
23 fine of not more than \$500.00.

24 (6) Each limo carrier of passengers shall subscribe to the
25 commercial look-up service maintained by the secretary of state.

26 (7) A person who drives a limousine for hire for a limo
27 carrier of passengers shall maintain a most current copy of all

1 nonpersonal information related to the person's driving record in
2 the limousine available for review by any prospective passenger.

3 (8) A prospective passenger may review a copy of all
4 nonpersonal information related to the driving record of the driver
5 of a limousine from a limo carrier of passengers or from the driver
6 of the limousine.

7 (9) The secretary of state shall not provide an entire
8 computerized central file or other file of records maintained under
9 this act to a nongovernmental person or entity, unless the person
10 or entity pays the prescribed fee for each individual record
11 contained within the computerized file.

12 (10) A driver training school operator who fails to provide
13 the information required to be maintained by this section is
14 subject to a fine of not more than \$500.00. Each failure to provide
15 information constitutes a separate offense.

16 (11) A limo carrier of passengers who fails to provide the
17 information required to be maintained by this section is subject to
18 a fine of not more than \$500.00. Each failure to provide
19 information constitutes a separate offense.

20 (12) The driver of a limousine who fails to provide the
21 information required by this section is subject to a fine of not
22 more than \$500.00. Each failure to provide information constitutes
23 a separate offense.

24 (13) As used in this section:

25 (a) "Driver training school operator" means a person licensed
26 to operate a driver training school under **PART 2 OF THE DRIVER**
27 **EDUCATION AND TRAINING SCHOOLS ACT**, 1974 PA 369, MCL ~~256.601~~

1 **256.602** to 256.609.

2 (b) "Limo carrier of passengers" and "limousine" mean those
3 terms as defined in section 3 of the limousine transportation act,
4 1990 PA 271, MCL 257.1903.

5 Sec. 232. (1) Upon request, the secretary of state may furnish
6 a list of information from the records of the department maintained
7 under this act to a federal, state, or local governmental agency
8 for use in carrying out the agency's functions, or to a private
9 person or entity acting on behalf of a governmental agency for use
10 in carrying out the agency's functions. The secretary of state may
11 charge the requesting agency a preparation fee to cover the cost of
12 preparing 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. If the
15 secretary of state sells a list of information under this
16 subsection to a member of the state legislature, the secretary of
17 state shall charge the same fee as the fee for the sale of
18 information under subsection (2) unless the list of information is
19 requested by the member of the legislature to carry out a
20 legislative function. The secretary of state may require the
21 requesting agency to furnish 1 or more blank computer tapes,
22 cartridges, or other electronic media and may require the agency to
23 execute a written memorandum of agreement as a condition of
24 obtaining a list of information under this subsection.

25 (2) The secretary of state may contract for the sale of lists
26 of driver and motor vehicle records and other records maintained
27 under this act in bulk, in addition to those lists distributed at

1 cost or at no cost under this section for purposes permitted by and
2 described in section 208c(3). The secretary of state shall require
3 each purchaser of records in bulk to execute a written purchase
4 contract. The secretary of state shall fix a market-based price for
5 the sale of such lists or other records maintained in bulk, which
6 may include personal information. The proceeds from each sale **MADE**
7 **UNDER THIS SUBSECTION ON AND AFTER OCTOBER 1, 2004** shall be
8 credited to the ~~secretary of state's commercial look-up account~~
9 **TRANSPORTATION ADMINISTRATION COLLECTION FUND CREATED IN SECTION**
10 **810B.**

11 (3) The secretary of state or any other state agency shall not
12 sell or furnish any list of information under subsection (2) for
13 the purpose of surveys, marketing, and solicitations. The secretary
14 of state shall ensure that personal information disclosed in bulk
15 will be used, rented, or sold solely for uses permitted under this
16 act.

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

23 (5) An authorized recipient of personal information disclosed
24 under this section who resells or rediscloses the information for
25 any of the purposes permitted by and described in section 208c(3)
26 shall do both of the following:

27 (a) Make and keep for a period of not less than 5 years

1 records identifying each person who received personal information
2 from the authorized recipient and the permitted purpose for which
3 it was obtained.

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

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

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 93rd Legislature are
13 enacted into law:

14 (a) Senate Bill No. 548.

15 (b) Senate Bill No. 550.