

Act No. 173
Public Acts of 2005
Approved by the Governor
October 11, 2005
Filed with the Secretary of State
October 12, 2005
EFFECTIVE DATE: October 12, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senator Johnson

ENROLLED SENATE BILL No. 549

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," 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:

Sec. 208b. (1) The secretary of state may provide a commercial look-up service of records maintained under this act. For each individual record looked up, the secretary of state shall charge a fee specified annually by the legislature, or if the legislature does not specify a fee, a market-based price established by the secretary of state. The secretary of state shall process a commercial look-up request only if the request is in a form or format prescribed by the secretary of state. Fees collected under this subsection on and after October 1, 2005 shall be credited to the transportation administration collection fund created in section 810b.

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

(3) A driver training school operator shall maintain on the premises of the driver training school the most current copy of all nonpersonal information related to his or her driving record and the driving record of each instructor

employed by the driver training school operator for review by any prospective customer or the parent or guardian of a prospective customer.

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

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

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

(7) A person who drives a limousine for hire for a limo carrier of passengers shall maintain a most current copy of all nonpersonal information related to the person's driving record in the limousine available for review by any prospective passenger.

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

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

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

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

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

(13) As used in this section:

(a) "Driver training school operator" means a person licensed to operate a driver training school under part 2 of the driver education and training schools act, 1974 PA 369, MCL 256.602 to 256.609.

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

Sec. 232. (1) Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this act to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions. The secretary of state may charge the requesting agency a preparation fee to cover the cost of preparing and furnishing a list provided under this subsection if the cost of preparation exceeds \$25.00, and use the revenues received from the service to defray necessary expenses. If the secretary of state sells a list of information under this subsection to a member of the state legislature, the secretary of state shall charge the same fee as the fee for the sale of information under subsection (2) unless the list of information is requested by the member of the legislature to carry out a legislative function. The secretary of state may require the requesting agency to furnish 1 or more blank computer tapes, cartridges, or other electronic media and may require the agency to execute a written memorandum of agreement as a condition of obtaining a list of information under this subsection.

(2) The secretary of state may contract for the sale of lists of driver and motor vehicle records and other records maintained under this act in bulk, in addition to those lists distributed at cost or at no cost under this section for purposes permitted by and described in section 208c(3). The secretary of state shall require each purchaser of records in bulk to execute a written purchase contract. The secretary of state shall fix a market-based price for the sale of such lists or other records maintained in bulk, which may include personal information. The proceeds from each sale made under this subsection on and after October 1, 2005 shall be credited to the transportation administration collection fund created in section 810b.

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

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

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

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

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

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

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

(a) Senate Bill No. 548.

(b) Senate Bill No. 550.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor