

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 966

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 8 (MCL 28.298), as added by 1997 PA 99 and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Except as provided in this section and in section
2 10, personal information in a record maintained under this act
3 shall not be disclosed, unless the person requesting the
4 information furnishes proof of identity satisfactory to the
5 secretary of state and certifies that the personal information
6 requested will be used for a permissible purpose identified in this
7 section or in section 10. ~~However, highly~~ **HIGHLY** restricted

1 personal information shall be used and disclosed only as expressly
2 permitted in section 2 or in another applicable provision of law.

3 (2) Personal information in a record maintained under this act
4 shall be disclosed by the secretary of state if required to carry
5 out the purposes of a specified federal law. As used in this
6 section, "specified federal law" means the automobile information
7 disclosure act, ~~Public Law 85-506, 15 U.S.C. USC 1231 to 1232 and~~
8 ~~1233, the former motor vehicle information and cost savings act,~~
9 ~~Public Law 92-513, the former national traffic and motor vehicle~~
10 ~~safety act of 1966, Public Law 89-563, the anti-car theft act of~~
11 ~~1992, Public Law 102-519, 106 Stat. 3384, the clean air act,~~
12 ~~chapter 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479,~~
13 ~~7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to~~
14 ~~7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601~~
15 ~~to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642,~~
16 ~~7651 to 7651e, 7661 to 7661f, and 7671 to 7671g, and all federal~~
17 regulations promulgated to implement these federal laws.

18 (3) Personal information in a record maintained under this act
19 may be disclosed by the secretary of state as follows:

20 (a) For use by a federal, state, or local governmental agency,
21 including a court or law enforcement agency, in carrying out the
22 agency's functions, or by a private person or entity acting on
23 behalf of a governmental agency in carrying out the agency's
24 functions.

25 (b) For use in connection with matters of motor vehicle and
26 driver safety or auto theft; motor vehicle emissions; motor vehicle
27 product alterations, recalls, or advisories; performance monitoring

1 of motor vehicles; motor vehicle market research activities,
2 including survey research; and the removal of nonowner records from
3 the original records of motor vehicle manufacturers.

4 (c) For use in the normal course of business by a legitimate
5 business, including the agents, employees, and contractors of the
6 business, but only to verify the accuracy of personal information
7 submitted by an individual to the business or its agents,
8 employees, or contractors, and if the information as so submitted
9 is no longer correct, to obtain the correct information, for the
10 sole purpose of preventing fraud by pursuing legal remedies
11 against, or recovering on a debt against, the individual.

12 (d) For use in connection with a civil, criminal,
13 administrative, or arbitral proceeding in a federal, state, or
14 local court or governmental agency or before a self-regulatory
15 body, including use for service of process, investigation in
16 anticipation of litigation, and the execution or enforcement of
17 judgments and orders, or pursuant to an order of a federal, state,
18 or local court, an administrative agency, or a self-regulatory
19 body.

20 (e) For use in legitimate research activities and in preparing
21 statistical reports for commercial, scholarly, or academic purposes
22 by a bona fide research organization, if the personal information
23 is not published, redisclosed, or used to contact individuals.

24 (f) For use by an insurer or insurance support organization,
25 or by a self-insured entity, or its agents, employees, or
26 contractors, in connection with claims investigating activity,
27 antifraud activity, rating, or underwriting.

1 (g) For use in providing notice to the owner of an abandoned,
2 towed, or impounded vehicle.

3 (h) For use either by a private detective or private
4 investigator licensed under the private detective license act, ~~of~~
5 ~~1965,~~ 1965 PA 285, MCL 338.821 to 338.851, or by a private security
6 guard agency or alarm system contractor licensed under the private
7 security guard act of 1968 **BUSINESS AND SECURITY ALARM ACT**, 1968 PA
8 330, MCL 338.1051 to ~~338.1085~~ **338.1083**, only for a purpose
9 permitted under this section.

10 (i) For use by an employer, or the employer's agent or
11 insurer, to obtain or verify information relating either to the
12 holder of a commercial driver license that is required under the
13 commercial motor vehicle safety act of ~~1966~~ **1986**, ~~title XII of~~
14 Public Law 99-570, ~~100 Stat. 3207-170,~~ or to the holder of a
15 chauffeur's license that is required under chapter 3 of the
16 Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.

17 (j) For use by a car rental business, or its employees,
18 agents, contractors, or service firms, for the purpose of making
19 rental decisions.

20 (k) For use by a news medium in the preparation and
21 dissemination of a report related in part or in whole to the
22 operation of a motor vehicle or public safety. "News medium"
23 includes a newspaper, a magazine or periodical published at regular
24 intervals, a news service, a broadcast network, a television
25 station, a radio station, a cablecaster, or an entity employed by
26 any of the foregoing.

27 (l) For any use by an individual requesting information

1 pertaining to himself or herself or requesting in writing that the
2 secretary of state provide information pertaining to himself or
3 herself to the individual's designee. A request for disclosure to a
4 designee, however, may be submitted only by the individual.

5 (4) COPIES OR IMAGES OF SOURCE DOCUMENTS RETAINED BY THE
6 SECRETARY OF STATE UNDER SECTION 1 OF THIS ACT AND SECTION 5 OF THE
7 ENHANCED DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL
8 IDENTIFICATION CARD ACT, MCL 28.305, MAY BE USED AND DISCLOSED FOR
9 THE PURPOSES OF SUBSECTION (3)(A) AND (I).

10 SEC. 9A. THE DEPARTMENT SHALL EXAMINE AND DETERMINE THE
11 GENUINENESS, REGULARITY, AND LEGALITY OF EVERY APPLICATION FOR AN
12 OFFICIAL STATE IDENTIFICATION CARD, AND MAY IN ALL CASES MAKE
13 INVESTIGATION AS THE DEPARTMENT CONSIDERS NECESSARY OR REQUIRE
14 ADDITIONAL INFORMATION. THE DEPARTMENT SHALL REJECT ANY APPLICATION
15 FOR AN OFFICIAL STATE IDENTIFICATION CARD IF NOT SATISFIED OF THE
16 GENUINENESS, REGULARITY, OR LEGALITY OF THE APPLICATION OR THE
17 TRUTH OF ANY STATEMENT CONTAINED IN THE APPLICATION, OR FOR ANY
18 OTHER REASON WHEN AUTHORIZED BY LAW.