

# HOUSE BILL No. 5142

November 12, 2013, Introduced by Reps. McCready, Kesto, Foster, Kowall, Haines, Schmidt, Pscholka, Crawford, Howrylak and Lane and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 208b (MCL 257.208b), as amended by 2011 PA 159.

## 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. **IN ADDITION TO THE FEE**  
9       **SPECIFIED ANNUALLY BY THE LEGISLATURE OR, IF THE LEGISLATURE DOES**  
10      **NOT SPECIFY A FEE, A MARKET-BASED PRICE ESTABLISHED BY THE**  
11      **SECRETARY OF STATE UNDER THIS SUBSECTION, THE DEPARTMENT MAY, UPON**

1 A REQUEST FROM THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND  
2 BUDGET, COLLECT AN ADDITIONAL WEB PORTAL DEVELOPMENT FEE TO BE USED  
3 FOR STATE OF MICHIGAN WEB PORTAL DEVELOPMENT. Fees collected under  
4 this subsection ~~on and after October 1, 2005 through October 1,~~  
5 ~~2015~~ shall be credited to the transportation administration  
6 collection fund created in section 810b.

7 (2) THE SECRETARY OF STATE MAY DESIGNATE A PRIVATE ENTITY TO  
8 PROVIDE A COMMERCIAL LOOK-UP SERVICE AND COLLECT FEES AUTHORIZED BY  
9 THE LEGISLATURE AND SECRETARY OF STATE UNDER THIS SECTION. FEES  
10 COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE  
11 TRANSPORTATION ADMINISTRATION COLLECTION FUND CREATED IN SECTION  
12 810B, EXCEPT THAT A WEB PORTAL DEVELOPMENT FEE COLLECTED BY A  
13 PRIVATE ENTITY UNDER THIS SUBSECTION SHALL BE USED BY THAT PRIVATE  
14 ENTITY FOR STATE OF MICHIGAN WEB PORTAL DEVELOPMENT AND SHALL NOT  
15 BE REMITTED TO THE TRANSPORTATION ADMINISTRATION COLLECTION FUND. A  
16 PRIVATE ENTITY DESIGNATED UNDER THIS SUBSECTION SHALL BE CHOSEN  
17 THROUGH COMPETITIVE BIDDING UNLESS THE DEPARTMENT AFFIRMATIVELY  
18 FINDS THAT, UNDER THE CIRCUMSTANCES RELATING TO A COMMERCIAL LOOK-  
19 UP SERVICE, SOME OTHER METHOD IS IN THE PUBLIC INTEREST. THE  
20 DEPARTMENT SHALL REPORT ITS FINDINGS UNDER THIS SUBSECTION TO THE  
21 DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET AND THE  
22 APPROPRIATIONS SUBCOMMITTEES OF THE SENATE AND HOUSE OF  
23 REPRESENTATIVES NO LATER THAN 90 DAYS BEFORE WORK IS COMMENCED.

24 (3) ~~(2)~~ A driver education provider shall subscribe to the  
25 commercial look-up service ~~maintained by the secretary of~~  
26 ~~state.~~ DESCRIBED IN SUBSECTION (1).

27 (4) ~~(3)~~ A driver education provider shall maintain on its

1 premises the most current copy of all nonpersonal information  
2 related to his or her driving record and the driving record of each  
3 instructor employed by the driver education provider for review by  
4 any prospective customer or the parent or guardian of a prospective  
5 customer.

6 (5) ~~(4)~~—A prospective customer or the parent or guardian of a  
7 prospective customer may review a copy of all nonpersonal  
8 information related to the driving record of the driver education  
9 provider or an instructor employed by the driver education  
10 provider.

11 (6) ~~(5)~~—A driver education provider shall include in its  
12 contract with each client, as prescribed by the secretary of state,  
13 a notice that nonpersonal information related to the driving record  
14 of each individual instructor is available for review by the  
15 general public. A driver education provider who fails to include  
16 the information required by this subsection is subject to a fine of  
17 not more than \$500.00.

18 (7) ~~(6)~~—Each limo carrier of passengers shall subscribe to the  
19 commercial look-up service ~~maintained by the secretary of~~  
20 ~~state.~~ **DESCRIBED IN SUBSECTION (1).**

21 (8) ~~(7)~~—A person who drives a limousine for hire for a limo  
22 carrier of passengers shall maintain a most current copy of all  
23 nonpersonal information related to the person's driving record in  
24 the limousine available for review by any prospective passenger.

25 (9) ~~(8)~~—A prospective passenger may review a copy of all  
26 nonpersonal information related to the driving record of the driver  
27 of a limousine from a limo carrier of passengers or from the driver

1 of the limousine.

2 (10) ~~(9)~~—The secretary of state **OR A PRIVATE ENTITY ACTING ON**  
3 **BEHALF OF THE SECRETARY OF STATE UNDER THIS SECTION** shall not  
4 provide an entire computerized central file or other file of  
5 records maintained under this act to a nongovernmental person or  
6 entity, unless the person or entity pays the prescribed fee for  
7 each individual record contained within the computerized file.

8 (11) ~~(10)~~—A driver training school operator who fails to  
9 provide the information required to be maintained by this section  
10 is subject to a fine of not more than \$500.00. Each failure to  
11 provide information constitutes a separate offense.

12 (12) ~~(11)~~—A limo carrier of passengers 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 (13) ~~(12)~~—The driver of a limousine who fails to provide the  
17 information required by this section is subject to a fine of not  
18 more than \$500.00. Each failure to provide information constitutes  
19 a separate offense.

20 (14) ~~(13)~~—As used in this section:

21 (a) "Driver education provider" means that term as defined in  
22 section 5 of the driver education provider and instructor act, 2006  
23 PA 384, MCL 256.625.

24 (b) "Limo carrier of passengers" and "limousine" mean those  
25 terms as defined in section 3 of the limousine transportation act,  
26 1990 PA 271, MCL 257.1903.