

SENATE BILL NO. 452

May 18, 2021, Introduced by Senators VICTORY, BUMSTEAD, LASATA, DALEY, JOHNSON, NESBITT and VANDERWALL and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 232 (MCL 257.232), as amended by 2019 PA 88.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 232. (1) Upon request, the secretary of state may furnish
2 a list of information from the records of the department maintained
3 under this act to a federal, state, or local governmental agency
4 for use in carrying out the agency's functions, or to a private
5 person or entity acting on behalf of a governmental agency for use
6 in carrying out the agency's functions. The secretary of state may
7 charge the requesting agency a preparation fee to cover the cost of

1 preparing and furnishing a list provided under this subsection if
2 the cost of preparation exceeds \$25.00, and use the revenues
3 received from the service to defray necessary expenses. If the
4 secretary of state sells a list of information under this
5 subsection to a member of the state legislature, the secretary of
6 state shall charge the same fee as the fee for the sale of
7 information under subsection (2) unless the list of information is
8 requested by the member of the legislature to carry out a
9 legislative function. The secretary of state may require the
10 requesting agency to furnish 1 or more blank computer tapes,
11 cartridges, or other electronic media and may require the agency to
12 execute a written memorandum of agreement as a condition of
13 obtaining a list of information under this subsection.

14 (2) The secretary of state may contract for the sale of lists
15 of driver and motor vehicle records and other records maintained
16 under this act in bulk, in addition to those lists distributed at
17 cost or at no cost under this section for purposes permitted by and
18 described in section 208c(3). The secretary of state shall require
19 each purchaser of records in bulk to execute a written purchase
20 contract. ~~The secretary of state shall fix a market-based price for~~
21 ~~the sale of such lists or other records maintained in bulk, which~~
22 ~~may include personal information.~~ Until October 1, 2023, the
23 proceeds from each sale made under this subsection must be credited
24 to the transportation administration collection fund created in
25 section 810b. **The secretary of state shall fix a price for the sale**
26 **of lists or other records maintained in bulk, which may include**
27 **personal information. The price per 1,000 records is based on the**
28 **date the records are obtained and must not exceed the following**
29 **amount, as applicable:**

1 **(a) After March 31, 2021 and before April 1, 2022, \$17.50.**

2 **(b) After March 31, 2022 and before April 1, 2023, \$19.00.**

3 **(c) After March 31, 2023, \$20.00.**

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

10 (4) The secretary of state may insert any safeguard the
11 secretary 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
14 provided or sold is used only for a permissible purpose and that
15 the rights of individuals and of the department are protected.

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

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

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

28 (6) The secretary of state shall not disclose a list based on
29 driving behavior or sanctions to a nongovernmental agency,

1 including an individual.

2 Enacting section 1. Section 232(2) of the Michigan vehicle
3 code, 1949 PA 300, MCL 257.232, as amended by this amendatory act,
4 is intended to be retroactive and applies retroactively for records
5 obtained on and after April 1, 2021.