

SENATE BILL No. 303

May 7, 1991, Introduced by Senator FAXON and referred to the Committee on Transportation and Tourism.

A bill to amend section 232 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

being section 257.232 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 232 of Act No. 300 of the Public Acts of
2 1949, being section 257.232 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 232. ~~The secretary of state shall furnish to chiefs
5 of police in cities of an estimated population of 10,000 or more
6 and to sheriffs of counties, a list of the motor vehicle regis-
7 trations and such information relating thereto as may be
8 necessary. The secretary of state is hereby authorized to sell
9 any surplus lists he may publish, and fix a reasonable price~~

1 ~~therefor, the proceeds of such sales to be added to the state~~
2 ~~highway fund provided for herein.~~

3 ~~The secretary of state is hereby authorized to sell, or con-~~
4 ~~tract for the sale of, any motor vehicle registration lists in~~
5 ~~addition to those distributed at no cost under this section and~~
6 ~~to sell or furnish any other information from the records of the~~
7 ~~department pertaining to the sale, ownership, and operation of~~
8 ~~motor vehicles. The secretary of state shall fix a reasonable~~
9 ~~price or charge for the sale of such lists or other information~~
10 ~~and the proceeds therefrom shall be added to the state highway~~
11 ~~fund provided for herein.~~ (1) AS USED IN THIS SECTION, "LIST OF

12 RECORDS" MEANS ANY COMPLETE OR PARTIAL COMPILATION OF THE NAMES,
13 ADDRESSES, AND ANY OTHER INFORMATION FROM DEPARTMENT OF STATE
14 RECORDS PERTAINING TO THE SALE, OWNERSHIP, AND OPERATION OF MOTOR
15 VEHICLES, BUT DOES NOT INCLUDE INDIVIDUAL RECORDS REQUESTED
16 THROUGH THE DEPARTMENT OF STATE COMMERCIAL LOOK-UP SERVICE.

17 (2) THE SECRETARY OF STATE MAY SELL OR FURNISH A LIST OF
18 RECORDS MAINTAINED BY THE DEPARTMENT TO A GOVERNMENTAL AGENCY, IF
19 THE GOVERNMENTAL AGENCY CERTIFIES THAT THE LIST OF RECORDS SHALL
20 BE USED ONLY FOR GOVERNMENTAL PURPOSES. A GOVERNMENTAL AGENCY
21 SOLD OR FURNISHED A LIST OF RECORDS UNDER THIS SECTION SHALL NOT
22 SELL OR FURNISH THE LIST OF RECORDS OR A PART OF THE LIST OF
23 RECORDS TO ANOTHER PERSON OR GOVERNMENTAL AGENCY.

24 (3) THE SECRETARY OF STATE SHALL NOT PROVIDE A LIST OF
25 RECORDS MAINTAINED BY THE DEPARTMENT UNDER THIS ACT TO A PERSON
26 OR NONGOVERNMENTAL ENTITY THAT REQUESTS THE LIST OF RECORDS
27 UNLESS THE PERSON OR NONGOVERNMENTAL ENTITY CERTIFIES THAT THE

1 LIST OF RECORDS SHALL BE USED ONLY FOR 1 OR MORE OF THE FOLLOWING
2 PURPOSES:

3 (A) THE NOTIFICATION OF OWNERS OF VEHICLES OF A DEFECT IN A
4 VEHICLE, WHICH NOTIFICATION IS PART OF A VEHICLE RECALL PROGRAM.

5 (B) RESEARCH OR STATISTICAL PURPOSES. THE LIST OF RECORDS
6 PROVIDED UNDER THIS SUBDIVISION SHALL BE USED ONLY IN A MANNER IN
7 WHICH THE NAME AND ADDRESS OF AN INDIVIDUAL NAMED IN THE LIST OF
8 RECORDS IS PROTECTED FROM DISCLOSURE.

9 (4) THE PERSON OR NONGOVERNMENTAL ENTITY REQUESTING A LIST
10 OF RECORDS UNDER SUBSECTION (3) SHALL FILE WITH THE SECRETARY OF
11 STATE A SURETY BOND IN THE AMOUNT OF \$10,000.00, PROPERLY EXE-
12 CUTED BY AN INSURANCE COMPANY LICENSED TO DO BUSINESS IN THIS
13 STATE. THE SURETY BOND SHALL INDEMNIFY THE STATE OF MICHIGAN AND
14 ANY PERSON INJURED AS A RESULT OF NONCOMPLIANCE WITH THIS
15 SECTION.

16 (5) A PERSON OR NONGOVERNMENTAL ENTITY RECEIVING A LIST OF
17 RECORDS UNDER SUBSECTIONS (3) AND (4) SHALL NOT SELL OR FURNISH
18 THE LIST OF RECORDS OR A PART OF THE LIST OF RECORDS TO ANOTHER
19 PERSON OR ENTITY.

20 (6) THE SECRETARY OF STATE SHALL ESTABLISH THE PRICE OF A
21 LIST OF RECORDS SOLD UNDER THIS SECTION.

22 (7) A PERSON OR NONGOVERNMENTAL ENTITY THAT USES A LIST OF
23 RECORDS FOR A PURPOSE OTHER THAN THE PURPOSE CERTIFIED TO THE
24 SECRETARY OF STATE, THAT MAKES A DIRECT MAIL SOLICITATION ON THE
25 BASIS OF A LIST OF RECORDS, OR THAT OTHERWISE VIOLATES THIS SEC-
26 TION IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE
27 THAN \$5,000.00. EACH INSTANCE OF A DIRECT MAIL SOLICITATION IS A

1 SEPARATE OFFENSE UNDER THIS SECTION. A PERSON OR NONGOVERNMENTAL
2 ENTITY THAT MAKES A DIRECT MAIL SOLICITATION IN VIOLATION OF THIS
3 SECTION IS LIABLE TO ANY PERSON SUBJECTED TO THE DIRECT MAIL
4 SOLICITATION FOR AN AMOUNT EQUAL TO THE AMOUNT OF ACTUAL DAMAGES
5 OR \$100.00, WHICHEVER IS GREATER, AND FOR THE COSTS OF THE ACTION
6 TOGETHER WITH REASONABLE ATTORNEY FEES.

7 (8) THE PROCEEDS RECEIVED FROM THE SALE OF LISTS OF RECORDS
8 UNDER THIS SECTION SHALL BE DEPOSITED IN THE MICHIGAN TRANSPORTA-
9 TION FUND.

10 (9) EXCEPT AS PROVIDED UNDER THIS SECTION, A LIST OF RECORDS
11 IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT,
12 ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO
13 15.246 OF THE MICHIGAN COMPILED LAWS.