

# HOUSE BILL No. 4446

April 14, 2015, Introduced by Rep. Pscholka and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b, 217a, and 232 (MCL 257.208b, 257.217a, and 257.232), 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. Fees collected under  
9 this subsection on and after October 1, 2005 through October 1,

1 ~~2015~~—2019 shall be credited to the transportation administration  
2 collection fund created in section 810b.

3 (2) A driver education provider shall subscribe to the  
4 commercial look-up service maintained by the secretary of state.

5 (3) A driver education provider shall maintain on its premises  
6 the most current copy of all nonpersonal information related to his  
7 or her driving record and the driving record of each instructor  
8 employed by the driver education provider for review by any  
9 prospective customer or the parent or guardian of a prospective  
10 customer.

11 (4) A prospective customer or the parent or guardian of a  
12 prospective customer may review a copy of all nonpersonal  
13 information related to the driving record of the driver education  
14 provider or an instructor employed by the driver education  
15 provider.

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

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

25 (7) A person who drives a limousine for hire for a limo  
26 carrier of passengers shall maintain a most current copy of all  
27 nonpersonal information related to the person's driving record in

1 the limousine available for review by any prospective passenger.

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

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

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

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

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

23 (13) As used in this section:

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

27 (b) "Limo carrier of passengers" and "limousine" mean those

1 terms as defined in section 3 of the limousine transportation act,  
2 1990 PA 271, MCL 257.1903.

3 Sec. 217a. (1) A person who holds an unexpired technician,  
4 general, conditional, advanced, or extra class amateur radio  
5 license issued by the ~~federal communications commission~~ **FEDERAL**  
6 **COMMUNICATIONS COMMISSION** may make application directly to the  
7 secretary of state for a registration plate inscribed with the  
8 official amateur radio call letters of the applicant as assigned by  
9 the ~~federal communications commission~~ **FEDERAL COMMUNICATIONS**  
10 **COMMISSION**.

11 (2) The applicant shall prove to the satisfaction of the  
12 secretary of state that the applicant holds an unexpired amateur  
13 radio license. In addition to the regular registration fee, the  
14 applicant shall pay a service fee of \$2.00. The \$2.00 fee shall be  
15 credited to the transportation administration collection fund  
16 created under section 810b through October 1, ~~2015~~ **2019**. A  
17 registration plate may be issued under this section for a motor  
18 vehicle that bears a registration taxed under section 801(1)(a) or  
19 ~~(g)~~ **(P)**.

20 (3) If a registration plate issued under this section is used  
21 on a vehicle other than the vehicle for which the registration  
22 plate was issued, the owner of the registration plate is guilty of  
23 a misdemeanor and the registration plate shall be surrendered to  
24 the secretary of state. A holder of a registration plate whose  
25 amateur radio license is not in full force and effect **SHALL**  
26 immediately ~~shall~~ surrender the registration plate issued under  
27 this section to the secretary of state and obtain a regular

1 registration plate.

2 (4) An application for a registration plate issued under this  
3 section shall be submitted to the secretary of state under section  
4 217. The expiration date for plates issued under this section ~~shall~~  
5 ~~be~~**IS** the date determined under section 226.

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

26 (2) The secretary of state may contract for the sale of lists  
27 of driver and motor vehicle records and other records maintained

1 under this act in bulk, in addition to those lists distributed at  
2 cost or at no cost under this section for purposes permitted by and  
3 described in section 208c(3). The secretary of state shall require  
4 each purchaser of records in bulk to execute a written purchase  
5 contract. The secretary of state shall fix a market-based price for  
6 the sale of such lists or other records maintained in bulk, which  
7 may include personal information. The proceeds from each sale made  
8 under this subsection on and after October 1, 2005 through October  
9 1, ~~2015~~—2019 shall be credited to the transportation administration  
10 collection fund created in section 810b.

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

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

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

27 (a) Make and keep for a period of not less than 5 years

1 records identifying each person who received personal information  
2 from the authorized recipient and the permitted purpose for which  
3 it was obtained.

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

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

11 Enacting section 1. This amendatory act takes effect 90 days  
12 after the date it is enacted into law.