



# HOUSE BILL No. 5230

January 25, 2000, Introduced by Rep. Kuipers and referred to the Committee on Transportation.

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; and to prescribe certain penalties for violations,"

by amending sections 7 and 10 (MCL 28.297 and 28.300), as added by 1997 PA 99.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

HOUSE BILL No. 5230

1       Sec. 7. (1) The secretary of state may provide a commercial  
2 look-up service of THOSE records maintained under this act THAT  
3 ARE SPECIFICALLY AUTHORIZED BY STATE OR FEDERAL LAW TO BE  
4 DISCLOSED. For each individual record looked up, the secretary  
5 of state shall charge a fee specified annually by the legisla-  
6 ture, or if the legislature does not specify a fee, a  
7 market-based price established by the secretary of state. The  
8 secretary of state shall process a commercial look-up request

1 only if the request is in a form or format as prescribed by the  
2 secretary of state. The secretary of state may use fee revenues  
3 received under this subsection for necessary expenses.

4 (2) The secretary of state shall establish and maintain a  
5 computerized central file of the information contained on appli-  
6 cation forms received under this act. The computerized central  
7 file shall be interfaced with the law enforcement information  
8 network as provided in the L.E.I.N. policy council act of 1974,  
9 1974 PA 163, MCL 28.211 to 28.216.

10 (3) ~~Except as provided in section 10(2), the~~ THE secretary  
11 of state shall not provide an entire computerized central file or  
12 other file of records maintained under this act to a nongovern-  
13 mental person or entity, unless ~~the purchaser~~ DISCLOSURE OF THE  
14 RECORDS TO A NONGOVERNMENTAL PERSON OR ENTITY IS SPECIFICALLY  
15 AUTHORIZED BY STATE OR FEDERAL LAW, AND THAT PERSON OR ENTITY  
16 pays the prescribed fee for each individual record contained  
17 within the computerized file.

18 Sec. 10. (1) Upon request, the secretary of state may fur-  
19 nish a list of information from the records of the department  
20 maintained under this act to a federal, state, or local govern-  
21 mental agency for use in carrying out the agency's functions, or  
22 to a private person or entity acting on behalf of a governmental  
23 agency for use in carrying out the agency's functions. Unless  
24 otherwise prohibited by law, the secretary of state may charge  
25 the requesting agency a preparation fee to cover the cost of pre-  
26 paring and furnishing a list provided under this subsection if  
27 the cost of preparation exceeds \$25.00, and use the revenues

1 received from the service to defray necessary expenses. The  
2 secretary of state may require the requesting agency to furnish 1  
3 or more blank computer tapes, cartridges, or other electronic  
4 media and may require the agency to execute a written memorandum  
5 of agreement as a condition of obtaining a list of information  
6 under this subsection.

7 ~~(2) The secretary of state may contract for the sale of~~  
8 ~~lists of records maintained under this act in bulk, in addition~~  
9 ~~to those lists distributed at cost or at no cost under this sec=~~  
10 ~~tion, for any of the purposes permitted under section 8(3) as~~  
11 ~~well as for purposes of surveys, marketing, and solicitations.~~  
12 ~~The secretary of state shall require each purchaser of informa=~~  
13 ~~tion in bulk to execute a written purchase contract. The secre=~~  
14 ~~tary of state shall fix a market-based price for the sale of~~  
15 ~~lists of bulk information, which may include personal~~  
16 ~~information. The proceeds from each sale shall be used by the~~  
17 ~~secretary of state to defray the costs of list preparation and~~  
18 ~~for other necessary or related expenses.~~

19 ~~(3) Before selling and furnishing any list of information~~  
20 ~~under subsection (2) for surveys, marketing, and solicitations,~~  
21 ~~the secretary of state shall implement methods and procedures~~  
22 ~~that accomplish all of the following:~~

23 ~~(a) Furnish individuals with a conspicuous opportunity to be~~  
24 ~~informed of their right to prohibit the disclosure of personal~~  
25 ~~information about them for purposes of surveys, marketing, and~~  
26 ~~solicitations through an ongoing public information campaign~~  
27 ~~which shall include the use of printed signs in branch offices~~

~~1 and notices included with application and renewal forms to the  
2 extent that the secretary of state continues to use paper forms  
3 for those purposes, and may include periodic press releases,  
4 public service announcements, advertisements, pamphlets, notices  
5 in electronic media, and other types of notice. Each printed  
6 sign shall be not less than 8-1/2 inches wide by 11 inches high  
7 and contain a caption in not less than 46-point type. If the  
8 secretary of state furnishes notice on forms, the information  
9 printed on the forms shall be similar to the information printed  
10 on branch office signs. The secretary of state shall review the  
11 public information campaign on an annual basis in order to update  
12 notice content and furnish notice by more effective means.~~

~~13 (b) Provide individuals with a conspicuous opportunity,  
14 through a telephonic, automated, or other efficient system, to  
15 notify the secretary of state of their desire to prohibit the  
16 disclosure of personal information about them, for purposes of  
17 surveys, marketing, and solicitations. The secretary of state  
18 may contract with another public or private person or agency to  
19 implement this subdivision.~~

~~20 (c) Ensure that personal information disclosed in bulk will  
21 be used, rented, or sold solely for uses permitted under this  
22 act, and that surveys, marketing, and solicitations will not be  
23 directed at those individuals who in a timely fashion have noti-  
24 fied the secretary of state that surveys, marketing, and solici-  
25 tations should not be directed at them.~~

~~26 (4) The secretary of state may insert any safeguard the  
27 secretary considers reasonable or necessary, including a bond~~

1 ~~requirement, in a memorandum of agreement or purchase contract~~  
2 ~~executed under this section, to ensure that the information pro-~~  
3 ~~vided or sold is used only for a permissible use and that the~~  
4 ~~rights of individuals and of the department are protected.~~

5 (2) ~~(5)~~ THE SECRETARY OF STATE SHALL NOT SELL OR DISCLOSE  
6 TO A PRIVATE PERSON OR ENTITY PERSONAL INFORMATION FROM THE  
7 RECORDS OF THE DEPARTMENT MAINTAINED UNDER THIS PART UNLESS THE  
8 SALE OR DISCLOSURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR BY  
9 OTHER STATE OR FEDERAL LAW. An authorized recipient of personal  
10 information disclosed under this section ~~who resells or~~  
11 ~~rediscloses~~ MAY NOT SELL OR DISCLOSE the information ~~for~~  
12 ~~survey, marketing, and solicitations~~ UNLESS THE SALE OR DISCLO-  
13 SURE IS SPECIFICALLY AUTHORIZED BY THIS ACT OR OTHER STATE OR  
14 FEDERAL LAW. AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION WHO  
15 SELLS OR DISCLOSES THE INFORMATION shall do both of the  
16 following:

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

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

25 (3) ~~(6)~~ The secretary of state shall not disclose a list  
26 based on driving behavior or sanctions to a nongovernmental  
27 agency, including an individual.

1 Enacting section 1. This amendatory act does not take  
2 effect unless all of the following bills of the 90th Legislature  
3 are enacted into law:

4 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5229 (request  
5 no. 04035'99).

6 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5231 (request  
7 no. 04035'99 b).