

# SENATE BILL No. 495

April 30, 2009, Introduced by Senators JELINEK and SWITALSKI and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 2005 PA 174.

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

1           Sec. 80130. (1) The secretary of state may provide a  
2 commercial lookup service of records maintained under this part.  
3 For each individual record looked up, the secretary of state shall  
4 charge a fee specified annually by the legislature, or if none, a  
5 market-based price established by the secretary of state. The

1 secretary of state shall process a commercial lookup request only  
2 if the request is in a form or format prescribed by the secretary  
3 of state. Fees collected under this subsection on and after October  
4 1, 2005 shall be credited to the transportation administration  
5 collection fund created in section 810b of the Michigan vehicle  
6 code, 1949 PA 300, MCL 257.810b, **THROUGH SEPTEMBER 30, 2009.**  
7 **BEGINNING OCTOBER 1, 2009, FEES COLLECTED UNDER THIS SECTION SHALL**  
8 **BE CREDITED TO THE DEPARTMENT OF STATE OPERATIONS FUND ESTABLISHED**  
9 **UNDER SECTION 810B OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**  
10 **257.810B.**

11 (2) In order to provide an individual, historical boating  
12 record, the secretary of state shall create and maintain a  
13 computerized central file that includes the information contained  
14 on application forms received under this part and the name of each  
15 person who is convicted of an offense, who fails to comply with an  
16 order or judgment issued, or against whom an order is entered under  
17 this part. The computerized central file shall be interfaced with  
18 the law enforcement information network as provided in the ~~L.E.I.N.~~  
19 ~~C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974 PA 163, MCL 28.211 to  
20 ~~28.216-28.215.~~

21 (3) The secretary of state shall not provide an entire  
22 computerized central or other file of records maintained under this  
23 part to a nongovernmental person or entity unless the purchaser  
24 pays the prescribed fee or price for each individual record  
25 contained within the computerized file.

26 (4) A certified copy of an order, record, or paper maintained  
27 under this part is admissible in evidence in the same manner as the

1 original and is prima facie proof of the facts stated in the  
2 original.

3       Sec. 80315. (1) Records maintained under this part, other than  
4 those declared to be confidential by law or that are restricted by  
5 law from disclosure to the public, shall be available to the public  
6 under procedures prescribed in this part, and in the freedom of  
7 information act, 1976 PA 442, MCL 15.231 to 15.246.

8       (2) The secretary of state may provide a commercial lookup  
9 service of watercraft title records maintained under this part. For  
10 each individual record looked up, the secretary of state shall  
11 charge a fee specified annually by the legislature, or if none, a  
12 market-based price established by the secretary of state. The  
13 secretary of state shall process a commercial lookup request only  
14 if the request is in a form or format prescribed by the secretary  
15 of state. Fees collected under this subsection on and after October  
16 1, 2005 shall be credited to the transportation administration  
17 collection fund created in section 810b of the Michigan vehicle  
18 code, 1949 PA 300, MCL 257.810b, **THROUGH SEPTEMBER 30, 2009.**  
19 **BEGINNING OCTOBER 1, 2009, FEES COLLECTED UNDER THIS SUBSECTION**  
20 **SHALL BE CREDITED TO THE DEPARTMENT OF STATE OPERATIONS FUND**  
21 **ESTABLISHED UNDER SECTION 810B OF THE MICHIGAN VEHICLE CODE, 1949**  
22 **PA 300, MCL 257.810B.**

23       (3) The secretary of state shall create and maintain a  
24 computerized central file that includes the information contained  
25 on application forms received under this part. The computerized  
26 central file shall be interfaced with the law enforcement  
27 information network as provided in the ~~L.E.I.N.~~-**C.J.I.S.** policy

1 council act, ~~of 1974,~~ 1974 PA 163, MCL 28.211 to ~~28.216~~ **28.215**.

2 (4) The secretary of state shall not provide an entire  
3 computerized central or other file of records maintained under this  
4 part to a nongovernmental person or entity, unless the purchaser  
5 pays the prescribed fee or price for each individual record  
6 contained within the computerized file.

7 (5) A certified copy of an order, record, or paper maintained  
8 under this part is admissible in evidence in the same manner as the  
9 original and is prima facie proof of the facts stated in the  
10 original.

11 Sec. 81114. (1) Records maintained under this part, other than  
12 those declared to be confidential by law or that are restricted by  
13 law from disclosure to the public, shall be available to the public  
14 under procedures prescribed in this part, and in the freedom of  
15 information act, 1976 PA 442, MCL 15.231 to 15.246.

16 (2) The secretary of state may provide a commercial lookup  
17 service of ORV operation, title, and registration records  
18 maintained under this part. For each individual record looked up,  
19 the secretary of state shall charge a fee specified annually by the  
20 legislature, or if none, a market-based price established by the  
21 secretary of state. The secretary of state shall process a  
22 commercial lookup request only if the request is in a form or  
23 format prescribed by the secretary of state. Fees collected under  
24 this subsection on and after October 1, 2005 shall be credited to  
25 the transportation administration collection fund created in  
26 section 810b of the Michigan vehicle code, 1949 PA 300, MCL  
27 257.810b, **THROUGH SEPTEMBER 30, 2009. BEGINNING OCTOBER 1, 2009,**

1 FEES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE  
2 DEPARTMENT OF STATE OPERATIONS FUND ESTABLISHED UNDER SECTION 810B  
3 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, 257.810B.

4 (3) The secretary of state shall create and maintain a  
5 computerized central file that includes the information contained  
6 on application forms received under this part and the name of each  
7 person who is convicted of an offense, who fails to comply with an  
8 order or judgment issued, or against whom an order is entered under  
9 this part. The computerized central file shall be interfaced with  
10 the law enforcement information network as provided in the ~~L.E.I.N.~~  
11 ~~C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974 PA 163, MCL 28.211 to  
12 ~~28.216~~ 28.215.

13 (4) The secretary of state may purge a record of an ORV  
14 certificate of title and any record pertaining to it 7 years after  
15 the title was issued or the record was made or received.

16 (5) The secretary of state shall not provide an entire  
17 computerized central or other file of records maintained under this  
18 part to a nongovernmental person or entity, unless the purchaser  
19 pays the prescribed fee or price for each individual record  
20 contained within the computerized file.

21 (6) A certified copy of an order, record, or paper maintained  
22 under this part is admissible in evidence in the same manner as the  
23 original and is prima facie proof of the facts stated in the  
24 original.

25 Sec. 82156. (1) Records maintained under this part, other than  
26 those declared to be confidential by law or that are restricted by  
27 law from disclosure to the public, shall be available to the public

1 under procedures prescribed in this part, and in the freedom of  
2 information act, 1976 PA 442, MCL 15.231 to 15.246.

3 (2) The secretary of state may provide a commercial lookup  
4 service of snowmobile operation, title, and registration records  
5 maintained under this part. For each individual record looked up,  
6 the secretary of state shall charge a fee specified annually by the  
7 legislature, or if none, a market-based price established by the  
8 secretary of state. The secretary of state shall process a  
9 commercial lookup request only if the request is in a form or  
10 format prescribed by the secretary of state. Fees collected under  
11 this subsection on and after October 1, 2005 shall be credited to  
12 the transportation administration collection fund created in  
13 section 810b of the Michigan vehicle code, 1949 PA 300, MCL  
14 257.810b, **THROUGH SEPTEMBER 30, 2009. BEGINNING OCTOBER 1, 2009,**  
15 **FEES COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE**  
16 **DEPARTMENT OF STATE OPERATIONS FUND ESTABLISHED UNDER SECTION 810B**  
17 **OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.810B.**

18 (3) In order to provide an individual, historical snowmobiling  
19 record, the secretary of state shall create and maintain a  
20 computerized central file that includes the information contained  
21 on application forms received under this part and the name of each  
22 person who is convicted of an offense, who fails to comply with an  
23 order or judgment issued, or against whom an order is entered under  
24 this part or former 1968 PA 74. The computerized central file shall  
25 be interfaced with the law enforcement information network as  
26 provided in the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974  
27 PA 163, MCL 28.211 to ~~28.216~~ **28.215.**

1           (4) The secretary of state shall not provide an entire  
2 computerized central or other file of records maintained under this  
3 part to a nongovernmental person or entity, unless the purchaser  
4 pays the prescribed fee or price for each individual record  
5 contained within the computerized file.

6           (5) A certified copy of an order, record, or paper maintained  
7 in this record is admissible in evidence in like manner as the  
8 original and is prima facie proof of the facts stated in the  
9 original.

10           Enacting section 1. This amendatory act takes effect September  
11 30, 2009.

12           Enacting section 2. This amendatory act does not take effect  
13 unless Senate Bill No. 494

14                   of the 95th Legislature is enacted into law.