

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5270

(As amended May 10 and 11, 2000)
(Page 1 of 3)

A bill to amend 1994 PA 451, entitled

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 80130a, 80130c, 80315c, 81114c, and 82156c (MCL 324.80130a, 324.80130c, 324.80315c, 324.81114c, and 324.82156c), as added by 1997 PA 102, and by adding section 80108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 108. THE DEPARTMENT OR ANY OTHER STATE DEPARTMENT OR AGENCY THAT MAINTAINS OR COLLECTS LISTS OF INFORMATION AS PART OF ITS DUTIES OR RESPONSIBILITIES UNDER THIS ACT SHALL NOT SELL ANY LISTS OF INFORMATION MAINTAINED OR COLLECTED FOR THE PURPOSE OF SURVEYS, MARKETING, AND SOLICITATIONS.

Sec. 80130a. (1) ~~The examination, inspection, or sale of personal information by the secretary of state or any officer, employee, agent, or contractor of the secretary of state maintained under this part shall be limited as provided in this section.~~ EXCEPT AS PROVIDED IN THIS SECTION AND SECTION 80130C, PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS PART SHALL NOT BE DISCLOSED, UNLESS THE PERSON REQUESTING THE INFORMATION FURNISHES PROOF OF IDENTITY CONSIDERED SATISFACTORY TO THE SECRETARY OF STATE AND CERTIFIES THAT THE PERSONAL INFORMATION REQUESTED WILL BE USED FOR A PERMISSIBLE PURPOSE IDENTIFIED IN THIS SECTION OR IN SECTION 80130C. NOTWITHSTANDING THIS SECTION, HIGHLY RESTRICTED PERSONAL INFORMATION SHALL BE USED AND DISCLOSED ONLY AS EXPRESSLY PERMITTED BY LAW.

(2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of a specified federal law. As used in this section, "specified federal law" means the automobile information

disclosure act, Public Law 85-506, 15 U.S.C. 1231 to 1232 and 1233, the former motor vehicle information and cost savings act, Public Law 92-513, the former national traffic and motor vehicle safety act of 1966, Public Law 89-563, the anti-car theft act of 1992, Public Law 102-519, 106 Stat. 3384, the clean air act, chapter 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671a, and all federal regulations promulgated to implement these federal laws.

(3) Personal information in a record maintained under this act may be disclosed to any person by the secretary of state as follows:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of watercraft and operator safety or watercraft theft; watercraft emissions; watercraft product alterations, recalls, or advisories; performance monitoring of watercraft; watercraft research activities including survey research; and the removal of nonowner records from the original records of watercraft manufacturers.

(c) For use in the normal course of business by a business or its agents, employees, or contractors to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud, by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court, administrative agency, or self-regulatory body.

(e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer, self-insurer, or insurance support organization, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(g) For use in providing notice to the owner of an abandoned, towed, or impounded watercraft.

(h) For use by any licensed private security guard agency or alarm system contractor licensed under the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, or a private detective or private investigator licensed under the private detective license act of 1965, 1965 PA 285, MCL 338.821 to 338.851, for any purpose permitted under this section.

(i) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

(i) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual.

- 1 Sec. 80130c. (1) Upon request, the secretary of state may
- 2 furnish a list of information from the records of the department

- 3 maintained under this part to a federal, state, or local govern-

HB 5270, As Passed Senate, May 11, 2000

4 mental agency for use in carrying out the agency's functions, or
5 to a private person or entity acting on behalf of a governmental
6 agency for use in carrying out the agency's functions. Unless
7 otherwise prohibited by law, the secretary of state may charge
8 the requesting agency a preparation fee to cover the cost of
9 preparing and furnishing a list provided under this subsection if

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HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270 as amended May 11, 2000

2

1 the cost of preparation exceeds \$25.00, and use the revenues
2 received from the service to defray necessary expenses. IF THE
3 SECRETARY OF STATE SELLS A LIST OF INFORMATION UNDER THIS SUBSEC-
4 TION TO A MEMBER OF THE STATE LEGISLATURE, THE SECRETARY OF STATE
5 SHALL CHARGE THE SAME FEE AS THE FEE FOR THE SALE OF INFORMATION
6 UNDER SUBSECTION (2) UNLESS THE LIST OF INFORMATION IS REQUESTED
7 BY THE MEMBER OF THE LEGISLATURE TO CARRY OUT A LEGISLATIVE
8 FUNCTION. The secretary of state may require the requesting
9 agency to furnish 1 or more blank computer tapes, cartridges, or
10 other electronic media, and may require the agency to execute a
11 written memorandum of agreement as a condition of obtaining a
12 list of information under this subsection.

13 (2) The secretary of state may contract for the sale of
14 lists of records maintained under this part in bulk, in addition
15 to those lists distributed at cost or at no cost under this sec-
16 tion, for purposes defined in section 80130a(3). ~~as well as for~~
17 ~~surveys, marketing, and solicitations.~~ The secretary of state
18 shall require each purchaser of information in bulk to execute a
19 written purchase contract. The secretary of state shall fix a
20 market-based price for the sale of lists of bulk information,
21 which may include personal information. The proceeds from each
22 sale shall be used by the secretary of state to defray the costs
23 of list preparation and for other necessary or related expenses.

24 (3) ~~Before selling and furnishing~~ THE SECRETARY OF STATE
25 OR ANY OTHER STATE AGENCY SHALL NOT SELL OR FURNISH any list of
26 information under subsection (2) for THE PURPOSE OF surveys, marketing, and

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

3

1 solicitations. ~~, the secretary of state shall implement methods~~
2 ~~and procedures that accomplish all of the following:~~

3 ~~(a) Furnish individuals with a conspicuous opportunity to be~~
4 ~~informed of their right to prohibit the disclosure of personal~~
5 ~~information about them for purposes of surveys, marketing, and~~
6 ~~solicitations through an ongoing public information campaign~~
7 ~~which shall include the use of printed signs in branch offices~~
8 ~~and notices included with application and renewal forms to the~~
9 ~~extent that the secretary of state continues to use paper forms~~
10 ~~for these purposes, and may include periodic press releases,~~
11 ~~public service announcements, advertisements, pamphlets, notices~~
12 ~~on forms, notices in electronic media, and other types of~~
13 ~~notice. Each printed sign shall be not less than 8-1/2 inches~~
14 ~~wide by 11 inches high and contain a caption in not less than~~
15 ~~46-point type. If the secretary of state furnishes notice on~~
16 ~~forms, the information printed on the forms shall be similar to~~
17 ~~the information printed on branch office signs. The secretary of~~
18 ~~state shall review the public information campaign on an annual~~
19 ~~basis in order to update notice content and furnish notice by~~
20 ~~more effective means.~~

21 ~~(b) Provide individuals with a conspicuous opportunity,~~
22 ~~through a telephonic, automated, or other efficient system, to~~
23 ~~notify the secretary of state of their desire to prohibit the~~
24 ~~disclosure of personal information about them, for purposes of~~
25 ~~surveys, marketing, and solicitations. The secretary of state~~
26 ~~may contract with another public or private person or agency to~~
27 ~~implement this subdivision.~~

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

4

1 ~~(c) Ensure~~ THE SECRETARY OF STATE SHALL ENSURE that
2 personal information disclosed in bulk will be used, rented, or
3 sold solely for uses permitted under this part. ~~, and that sur-~~
4 ~~veys, marketing, and solicitations will not be directed at those~~
5 ~~individuals who in a timely fashion have notified the secretary~~
6 ~~of state that surveys, marketing, and solicitations should not be~~
7 ~~directed at them.~~

8 (4) The secretary of state may insert any safeguard the sec-
9 retary considers reasonable or necessary, including a bond
10 requirement, in a memorandum of agreement or purchase contract
11 executed under this section, to ensure that the information fur-
12 nished or sold is used only for a permissible use and that the
13 rights of individuals and of the secretary of state are
14 protected.

15 (5) An authorized recipient of personal information dis-
16 closed under this section who resells or rediscloses the informa-
17 tion for ~~surveys, marketing, and solicitations~~ ANY OF THE PER-
18 MISSIBLE PURPOSES DESCRIBED IN SECTION 80130A(3) shall do both of
19 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
27 the permitted purpose for which it was obtained.

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

5

1 (6) The secretary of state shall not disclose a list based
2 on watercraft operation or sanctions to a nongovernmental agency,
3 including an individual.

4 Sec. 80315c. (1) Upon request, the secretary of state may
5 furnish a list of information from the records of the department
6 maintained under this part to a federal, state, or local govern-
7 mental agency for use in carrying out the agency's functions, or
8 to a private person or entity acting on behalf of a governmental
9 agency for use in carrying out the agency's functions. Unless
10 otherwise prohibited by law, the secretary of state may charge
11 the requesting agency a preparation fee to cover the cost of pre-
12 paring and furnishing a list provided under this subsection if
13 the cost of preparation exceeds \$25.00, and use the revenues
14 received from the service to defray necessary expenses. IF THE
15 SECRETARY OF STATE SELLS A LIST OF INFORMATION UNDER THIS SUBSEC-
16 TION TO A MEMBER OF THE STATE LEGISLATURE, THE SECRETARY OF STATE
17 SHALL CHARGE THE SAME FEE AS THE FEE FOR THE SALE OF INFORMATION
18 UNDER SUBSECTION (2) UNLESS THE LIST OF INFORMATION IS REQUESTED
19 BY THE MEMBER OF THE LEGISLATURE TO CARRY OUT A LEGISLATIVE
20 FUNCTION. The secretary of state may require the requesting
21 agency to furnish 1 or more blank computer tapes, cartridges, or
22 other electronic media, and may require the agency to execute a
23 written memorandum of agreement as a condition of obtaining a
24 list of information under this subsection.

25 (2) The secretary of state may contract for the sale of
26 lists of records maintained under this part in bulk, in addition
27 to those lists distributed at cost or at no cost under this

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270 as amended May 11, 2000

6

1 section, for purposes defined in section 80315a(3) as well as for
2 surveys, marketing, and solicitations. The secretary of state
3 shall require each purchaser of information in bulk to execute a
4 written purchase contract. The secretary of state shall fix a
5 market-based price for the sale of lists of bulk information,
6 which may include personal information. The proceeds from each
7 sale shall be used by the secretary of state to defray the costs
8 of list preparation and for other necessary or related expenses.

9 ~~(3) Before selling and furnishing~~ THE SECRETARY OF STATE
10 OR ANY OTHER STATE AGENCY SHALL NOT SELL OR FURNISH any list of
11 information
12 under subsection (2) for THE PURPOSE OF surveys, marketing, and
13 solicitations. ~~, the secretary of state shall implement methods~~
14 and procedures that accomplish all of the following:

15 ~~(a) Furnish individuals with a conspicuous opportunity to be~~
16 informed of their right to prohibit the disclosure of personal
17 information about them for purposes of surveys, marketing, and
18 solicitations through an ongoing public information campaign
19 which shall include the use of printed signs in branch offices
20 and notices included with application and renewal forms to the
21 extent that the secretary of state continues to use paper forms
22 for these purposes, and may include periodic press releases,
23 public service announcements, advertisements, pamphlets, notices
24 on forms, notices in electronic media, and other types of
25 notice. Each printed sign shall be not less than 8-1/2 inches
26 wide by 11 inches high and contain a caption in not less than
27 46-point type. If the secretary of state furnishes notice on
forms, the information printed on the forms shall be similar to

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

7

1 ~~the information printed on branch office signs. The secretary of~~
2 ~~state shall review the public information campaign on an annual~~
3 ~~basis in order to update notice content and furnish notice by~~
4 ~~more effective means.~~

5 ~~(b) Provide individuals with a conspicuous opportunity,~~
6 ~~through a telephonic, automated, or other efficient system, to~~
7 ~~notify the secretary of state of their desire to prohibit the~~
8 ~~disclosure of personal information about them, for purposes of~~
9 ~~surveys, marketing, and solicitations. The secretary of state~~
10 ~~may contract with another public or private person or agency to~~
11 ~~implement this subdivision.~~

12 ~~(c) Ensure~~ THE SECRETARY OF STATE SHALL ENSURE that per-
13 sonal information disclosed in bulk will be used, rented, or sold
14 solely for uses permitted under this part. ~~, and that surveys,~~
15 ~~marketing, and solicitations will not be directed at those indi-~~
16 ~~viduals who in a timely fashion have notified the secretary of~~
17 ~~state that surveys, marketing, and solicitations should not be~~
18 ~~directed at them.~~

19 (4) The secretary of state may insert any safeguard the sec-
20 retary considers reasonable or necessary, including a bond
21 requirement, in a memorandum of agreement or purchase contract
22 executed under this section, to ensure that the information fur-
23 nished or sold is used only for a permissible use and that the
24 rights of individuals and of the secretary of state are
25 protected.

26 (5) An authorized recipient of personal information
27 disclosed under this section who resells or rediscloses the

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

8

1 information for ~~surveys, marketing, and solicitations~~ ANY OF
2 THE PERMISSIBLE PURPOSES DESCRIBED IN SECTION 80315A(3) shall do
3 both of the following:

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

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

12 Sec. 81114c. (1) Upon request, the secretary of state may
13 furnish a list of information from the records of the department
14 maintained under this part to a federal, state, or local govern-
15 mental agency for use in carrying out the agency's functions, or
16 to a private person or entity acting on behalf of a governmental
17 agency for use in carrying out the agency's functions. Unless
18 otherwise prohibited by law, the secretary of state may charge
19 the requesting agency a preparation fee to cover the cost of pre-
20 paring and furnishing a list provided under this subsection if
21 the cost of preparation exceeds \$25.00, and use the revenues
22 received from the service to defray necessary expenses. IF THE
23 SECRETARY OF STATE SELLS A LIST OF INFORMATION UNDER THIS SUBSEC-
24 TION TO A MEMBER OF THE STATE LEGISLATURE, THE SECRETARY OF STATE
25 SHALL CHARGE THE SAME FEE AS THE FEE FOR THE SALE OF INFORMATION
26 UNDER SUBSECTION (2) UNLESS THE LIST OF INFORMATION IS REQUESTED
27 BY THE MEMBER OF THE LEGISLATURE TO CARRY OUT A LEGISLATIVE

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

6 (2) The secretary of state may contract for the sale of
7 lists of records maintained under this part in bulk, in addition
8 to those lists distributed at cost or at no cost under this sec-
9 tion, for purposes defined in section 81114a(3). ~~as well as for~~
10 ~~surveys, marketing, and solicitations.~~ The secretary of state
11 shall require each purchaser of information in bulk to execute a
12 written purchase contract. The secretary of state shall fix a
13 market-based price for the sale of lists of bulk information,
14 which may include personal information. The proceeds from each
15 sale shall be used by the secretary of state to defray the costs
16 of list preparation and for other necessary or related expenses.

17 (3) ~~Before selling and furnishing~~ THE SECRETARY OF STATE
18 OR ANY OTHER STATE AGENCY SHALL NOT SELL OR FURNISH any list of
19 information
20 under subsection (2) for THE PURPOSE OF surveys, marketing, and
21 solicitations. ~~, the secretary of state shall implement methods~~
22 ~~and procedures 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~~
~~and notices included with application and renewal forms to the~~

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

10

1 ~~extent that the secretary of state continues to use paper forms~~
2 ~~for these purposes, and may include periodic press releases,~~
3 ~~public service announcements, advertisements, pamphlets, notices~~
4 ~~on forms, notices in electronic media, and other types of~~
5 ~~notice. Each printed sign shall be not less than 8-1/2 inches~~
6 ~~wide by 11 inches high and contain a caption in not less than~~
7 ~~46-point type. If the secretary of state furnishes notice on~~
8 ~~forms, the information printed on the forms shall be similar to~~
9 ~~the information printed on branch office signs. The secretary of~~
10 ~~state shall review the public information campaign on an annual~~
11 ~~basis in order to update notice content and furnish notice by~~
12 ~~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~~ THE SECRETARY OF STATE SHALL ENSURE that per-
21 ~~sonal information disclosed in bulk will be used, rented, or sold~~
22 ~~solely for uses permitted under this part. —, and that surveys,~~
23 ~~marketing, and solicitations will not be directed at those indi-~~
24 ~~viduals who in a timely fashion have notified the secretary of~~
25 ~~state that surveys, marketing, and solicitations should not be~~
26 ~~directed at them.~~

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

11

1 (4) The secretary of state may insert any safeguard the
2 secretary considers reasonable or necessary, including a bond
3 requirement, in a memorandum of agreement or purchase contract
4 executed under this section, to ensure that the information fur-
5 nished or sold is used only for a permissible use and that the
6 rights of individuals and of the secretary of state are
7 protected.

8 (5) An authorized recipient of personal information dis-
9 closed under this section who resells or rediscloses the informa-
10 tion for ~~surveys, marketing, and solicitations~~ ANY OF THE PER-
11 MISSIBLE PURPOSES DESCRIBED IN SECTION 81114A(3) shall do both of
12 the following:

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

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

21 (6) The secretary of state shall not disclose a list based
22 on ORV operation or sanctions to a nongovernmental agency,
23 including an individual.

24 Sec. 82156c. (1) Upon request, the secretary of state may
25 furnish a list of information from the records of the department
26 maintained under this part to a federal, state, or local
27 governmental agency for use in carrying out the agency's

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

12

1 functions, or to a private person or entity acting on behalf of a
2 governmental agency for use in carrying out the agency's
3 functions. Unless otherwise prohibited by law, the secretary of
4 state may charge the requesting agency a preparation fee to cover
5 the cost of preparing and furnishing a list provided under this
6 subsection if the cost of preparation exceeds \$25.00, and use the
7 revenues received from the service to defray necessary expenses.
8 IF THE SECRETARY OF STATE SELLS A LIST OF INFORMATION UNDER THIS
9 SUBSECTION TO A MEMBER OF THE STATE LEGISLATURE, THE SECRETARY OF
10 STATE SHALL CHARGE THE SAME FEE AS THE FEE FOR THE SALE OF INFOR-
11 MATION UNDER SUBSECTION (2) UNLESS THE LIST OF INFORMATION IS
12 REQUESTED BY THE MEMBER OF THE LEGISLATURE TO CARRY OUT A LEGIS-
13 LATIVE FUNCTION. The secretary of state may require the request-
14 ing agency to furnish 1 or more blank computer tapes, cartridges,
15 or other electronic media, and may require the agency to execute
16 a written memorandum of agreement as a condition of obtaining a
17 list of information under this subsection.

18 (2) The secretary of state may contract for the sale of
19 lists of records maintained under this part in bulk, in addition
20 to those lists distributed at cost or at no cost under this sec-
21 tion, for purposes defined in section 82156a(3). ~~as well as for~~
22 ~~surveys, marketing, and solicitations.~~ The secretary of state
23 shall require each purchaser of information in bulk to execute a
24 written purchase contract. The secretary of state shall fix a
25 market-based price for the sale of lists of bulk information,
26 which may include personal information. The proceeds from each

1 sale shall be used by the secretary of state to defray the costs
2 of list preparation and for other necessary or related expenses.

3 (3) ~~Before selling and furnishing~~ THE SECRETARY OF STATE
4 OR ANY OTHER STATE AGENCY SHALL NOT SELL OR FURNISH any list of
5 information
6 under subsection (2) for THE PURPOSE OF surveys, marketing, and
7 solicitations. ~~, the secretary of state shall implement methods~~
8 ~~and procedures that accomplish all of the following:~~

9 (a) ~~Furnish individuals with a conspicuous opportunity to be~~
10 ~~informed of their right to prohibit the disclosure of personal~~
11 ~~information about them for purposes of surveys, marketing, and~~
12 ~~solicitations through an ongoing public information campaign~~
13 ~~which shall include the use of printed signs in branch offices~~
14 ~~and notices included with application and renewal forms to the~~
15 ~~extent that the secretary of state continues to use paper forms~~
16 ~~for these purposes, and may include periodic press releases,~~
17 ~~public service announcements, advertisements, pamphlets, notices~~
18 ~~on forms, notices in electronic media, and other types of~~
19 ~~notice. Each printed sign shall be not less than 8-1/2 inches~~
20 ~~wide by 11 inches high and contain a caption in not less than~~
21 ~~46-point type. If the secretary of state furnishes notice on~~
22 ~~forms, the information printed on the forms shall be similar to~~
23 ~~the information printed on branch office signs. The secretary of~~
24 ~~state shall review the public information campaign on an annual~~
25 ~~basis in order to update notice content and furnish notice by~~
26 ~~more effective means.~~

27 (b) ~~Provide individuals with a conspicuous opportunity,~~
~~through a telephonic, automated, or other efficient system, to~~

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

14

1 ~~notify the secretary of state of their desire to prohibit the~~
2 ~~disclosure of personal information about them, for purposes of~~
3 ~~surveys, marketing, and solicitations. The secretary of state~~
4 ~~may contract with another public or private person or agency to~~
5 ~~implement this subdivision.~~

6 ~~(c) Ensure~~ THE SECRETARY OF STATE SHALL ENSURE that per-
7 sonal information disclosed in bulk will be used, rented, or sold
8 solely for uses permitted under this part. ~~, and that surveys,~~
9 ~~marketing, and solicitations will not be directed at those indi-~~
10 ~~viduals who in a timely fashion have notified the secretary of~~
11 ~~state that surveys, marketing, and solicitations should not be~~
12 ~~directed at them.~~

13 (4) The secretary of state may insert any safeguard the sec-
14 retary considers reasonable or necessary, including a bond
15 requirement, in a memorandum of agreement or purchase contract
16 executed under this section, to ensure that the information fur-
17 nished or sold is used only for a permissible use and that the
18 rights of individuals and of the secretary of state are
19 protected.

20 (5) An authorized recipient of personal information dis-
21 closed under this section who resells or rediscloses the informa-
22 tion for ~~surveys, marketing, and solicitations~~ ANY OF THE PER-
23 MISSIBLE PURPOSES DESCRIBED IN SECTION 82156A(3) shall do both of
24 the following:

25 (a) Make and keep for a period of not less than 5 years
26 records identifying each person who received personal information

HB 5270, As Passed Senate, May 11, 2000

House Bill No. 5270

15

1 from the authorized recipient and the permitted purpose for which
2 it was obtained.

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

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

10 ~~-(7) The secretary of state, on a continuing basis, shall~~
11 ~~inform individuals of their right to prohibit the disclosure of~~
12 ~~personal information pertaining to them for purposes of surveys,~~
13 ~~marketing, and solicitations through the use of a telephone or~~
14 ~~other automated or efficient system, the use of inserts within~~
15 ~~individual mailings, and by placing appropriate signs within~~
16 ~~branch offices.~~

17 Enacting section 1. This amendatory act takes effect June
18 1, 2000.