

HOUSE BILL No. 5537

December 6, 2007, Introduced by Reps. Huizenga, Tobocman, Agema, Clemente, Pavlov, Knollenberg and Nofs 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; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending sections 1a and 8 (MCL 28.291a and 28.298), as added by 1997 PA 99, and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. As used in this act:

2 (a) "Highly restricted personal information" includes an
3 individual's photograph or image, social security number, digitized
4 signature, ~~and~~ medical and disability information, **AND SOURCE**
5 **DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN A PERSONAL**
6 **IDENTIFICATION CARD UNDER SECTION 2.**

1 (b) "Personal information" means information that identifies
2 an individual, including the individual's photograph or image,
3 name, address (but not the 5-digit zip code), driver license
4 number, social security number, telephone number, digitized
5 signature, and medical and disability information.

6 Sec. 8. (1) Except as provided in this section and in section
7 10, personal information in a record maintained under this act
8 shall not be disclosed, unless the person requesting the
9 information furnishes proof of identity satisfactory to the
10 secretary of state and certifies that the personal information
11 requested will be used for a permissible purpose identified in this
12 section or in section 10. ~~However, highly~~ **HIGHLY** restricted
13 personal information shall be used and disclosed only as expressly
14 permitted in section 2 or in another applicable provision of law.

15 (2) Personal information in a record maintained under this act
16 shall be disclosed by the secretary of state if required to carry
17 out the purposes of a specified federal law. As used in this
18 section, "specified federal law" means the automobile information
19 disclosure act, ~~Public Law 85-506,~~ 15 U.S.C. ~~USC~~ 1231 to 1232 and
20 1233, the former motor vehicle information and cost savings act,
21 Public Law 92-513, the former national traffic and motor vehicle
22 safety act of 1966, Public Law 89-563, the anti-car theft act of
23 1992, Public Law 102-519, ~~106 Stat. 3384,~~ the clean air act,
24 chapter 360, 69 Stat. 322, ~~42 U.S.C. 7401 to 7431, 7470 to 7479,~~
25 ~~7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to~~
26 ~~7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601~~
27 ~~to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642,~~

1 ~~7651 to 7651e, 7661 to 7661f, and 7671 to 7671g,~~ and all federal
2 regulations promulgated to implement these federal laws.

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

5 (a) For use by a federal, state, or local governmental agency,
6 including a court or law enforcement agency, in carrying out the
7 agency's functions, or by a private person or entity acting on
8 behalf of a governmental agency in carrying out the agency's
9 functions.

10 (b) For use in connection with matters of motor vehicle and
11 driver safety or auto theft; motor vehicle emissions; motor vehicle
12 product alterations, recalls, or advisories; performance monitoring
13 of motor vehicles; motor vehicle market research activities,
14 including survey research; and the removal of nonowner records from
15 the original records of motor vehicle manufacturers.

16 (c) For use in the normal course of business by a legitimate
17 business, including the agents, employees, and contractors of the
18 business, but only to verify the accuracy of personal information
19 submitted by an individual to the business or its agents,
20 employees, or contractors, and if the information as so submitted
21 is no longer correct, to obtain the correct information, for the
22 sole purpose of preventing fraud by pursuing legal remedies
23 against, or recovering on a debt against, the individual.

24 (d) For use in connection with a civil, criminal,
25 administrative, or arbitral proceeding in a federal, state, or
26 local court or governmental agency or before a self-regulatory
27 body, including use for service of process, investigation in

1 anticipation of litigation, and the execution or enforcement of
2 judgments and orders, or pursuant to an order of a federal, state,
3 or local court, an administrative agency, or a self-regulatory
4 body.

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

9 (f) For use by an insurer or insurance support organization,
10 or by a self-insured entity, or its agents, employees, or
11 contractors, in connection with claims investigating activity,
12 antifraud activity, rating, or underwriting.

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

15 (h) For use either by a private detective or private
16 investigator licensed under the private detective license act, ~~of~~
17 ~~1965, 1965 PA 285, MCL 338.821 to 338.851,~~ or by a private security
18 guard agency or alarm system contractor licensed under the private
19 security guard act of 1968 **BUSINESS AND SECURITY ALARM ACT**, 1968 PA
20 330, MCL 338.1051 to ~~338.1085~~ **338.1083**, only for a purpose
21 permitted under this section.

22 (i) For use by an employer, or the employer's agent or
23 insurer, to obtain or verify information relating either to the
24 holder of a commercial driver license that is required under the
25 commercial motor vehicle safety act of ~~1966~~ **1986**, ~~title XII of~~
26 Public Law 99-570, ~~100 Stat. 3207-170,~~ or to the holder of a
27 chauffeur's license that is required under chapter 3 of the

1 Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.

2 (j) For use by a car rental business, or its employees,
3 agents, contractors, or service firms, for the purpose of making
4 rental decisions.

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

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

17 (4) COPIES OR IMAGES OF SOURCE DOCUMENTS RETAINED BY THE
18 SECRETARY OF STATE UNDER SECTION 5 OF THE ENHANCED DRIVER LICENSE
19 AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, MCL
20 28.305, MAY BE USED AND DISCLOSED FOR THE PURPOSES OF SUBSECTION
21 (3) (A) AND (I).

22 SEC. 9A. THE DEPARTMENT SHALL EXAMINE AND DETERMINE THE
23 GENUINENESS, REGULARITY, AND LEGALITY OF EVERY APPLICATION FOR AN
24 OFFICIAL STATE IDENTIFICATION CARD, AND MAY IN ALL CASES MAKE
25 INVESTIGATION AS THE DEPARTMENT CONSIDERS NECESSARY OR REQUIRE
26 ADDITIONAL INFORMATION. THE DEPARTMENT SHALL REJECT ANY APPLICATION
27 FOR AN OFFICIAL STATE IDENTIFICATION CARD IF NOT SATISFIED OF THE

1 GENUINENESS, REGULARITY, OR LEGALITY OF THE APPLICATION OR THE
2 TRUTH OF ANY STATEMENT CONTAINED IN THE APPLICATION, OR FOR ANY
3 OTHER REASON WHEN AUTHORIZED BY LAW.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No.____ or House Bill No. 5535(request no.
6 04584'07 *) of the 94th Legislature is enacted into law.