

SENATE BILL NO. 534

May 22, 1997, Introduced by Senator BOUCHARD and referred to the Committee on Transportation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80104, 80129, 80130, 80301, 80310, 80315, 81101, 81113, 81114, 81120, 82101, 82113, and 82156 (MCL 324.80104, 324.80129, 324.80130, 324.80301, 324.80310, 324.80315, 324.81101, 324.81113, 324.81114, 324.81120, 324.82101, 324.82113, and 324.82156), as added by 1995 PA 58, and by adding sections 80130a, 80130b, 80130c, 80130d, 80315a, 80315b, 80315c, 80319a, 81114a, 81114b, 81114c, 82156a, 82156b, 82156c, and 82160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 80104. As used in this part:
- 2 (A) "HIGHLY RESTRICTED PERSONAL INFORMATION" MEANS AN
- 3 INDIVIDUAL'S PHOTOGRAPH OR IMAGE, SOCIAL SECURITY NUMBER,
- 4 DIGITIZED SIGNATURE, AND MEDICAL AND DISABILITY INFORMATION.

1 (B) ~~(a)~~ "Passenger" means a person carried on board a
2 vessel other than any of the following:

3 (i) The owner or his or her representative.

4 (ii) The operator.

5 (C) ~~(b)~~ "Peace officer" means any of the following:

6 (i) A sheriff.

7 (ii) A sheriff's deputy.

8 (iii) A deputy who is authorized by a sheriff to enforce
9 this part and who has satisfactorily completed at least 40 hours
10 of law enforcement training, including training specific to this
11 part.

12 (iv) A village or township marshal.

13 (v) An officer of the police department of any
14 municipality.

15 (vi) An officer of the Michigan state police.

16 (vii) The director and conservation officers employed by the
17 department.

18 (D) "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES
19 AN INDIVIDUAL, INCLUDING AN INDIVIDUAL'S DRIVER IDENTIFICATION
20 NUMBER, NAME, ADDRESS NOT INCLUDING ZIP CODE, AND TELEPHONE
21 NUMBER, BUT DOES NOT INCLUDE INFORMATION ON WATERCRAFT OPERATION
22 AND EQUIPMENT-RELATED VIOLATIONS OR CIVIL INFRACTIONS, OPERATOR
23 OR VEHICLE REGISTRATION STATUS, ACCIDENTS, OR OTHER
24 BEHAVIORALLY-RELATED INFORMATION.

25 (E) ~~(c)~~ "Personal watercraft" means a vessel that meets
26 all of the following requirements:

1 (i) Uses a motor-driven propeller or an internal combustion
2 engine powering a water jet pump as its primary source of
3 propulsion.

4 (ii) Is designed without an open load carrying area that
5 would retain water.

6 (iii) Is designed to be operated by 1 or more persons posi-
7 tioned on, rather than within, the confines of the hull.

8 (F) ~~(d)~~ "Political subdivision" means any county, metro-
9 politan authority, municipality, or combination of those entities
10 in this state. Whenever a body of water is located in more than
11 1 political subdivision, all of the subdivisions shall act indi-
12 vidually in order to comply with this part, except that if the
13 problem is confined to a specific area of the body of water, only
14 the political subdivision in which the problem waters lie shall
15 act.

16 (G) ~~(e)~~ "Port" means left, and reference is to the port
17 side of a vessel or to the left side of the vessel.

18 (H) ~~(f)~~ "Probate court OR FAMILY DIVISION disposition"
19 means the entry of a probate court order of disposition OR FAMILY
20 DIVISION ORDER OF DISPOSITION for a child found to be within the
21 provisions of chapter XIIIA of ~~Act No. 288 of the Public Acts of~~
22 ~~1939, being sections 712A.1 to 712A.31 of the Michigan Compiled~~
23 ~~Laws~~ 1939 PA 288, MCL 712A.1 TO 712A.32.

24 (I) ~~(g)~~ "Prosecuting attorney", except as the context
25 requires otherwise, means the attorney general, the prosecuting
26 attorney of a county, or the attorney representing a political
27 subdivision of government.

1 (J) ~~(h)~~ "Regatta", "boat race", "marine parade",
2 "tournament", or "exhibition" means an organized water event of
3 limited duration that is conducted according to a prearranged
4 schedule.

5 (K) ~~(i)~~ "Slow--no wake speed" means a very slow speed
6 whereby the wake or wash created by the vessel would be minimal.

7 (L) ~~(j)~~ "Starboard" means right, and reference is to the
8 starboard side of a vessel or to the right side of the vessel.

9 (M) ~~(k)~~ "State aid" means payment made by the state to a
10 county for the conduct of a marine safety program.

11 (N) ~~(l)~~ "Undocumented vessel" means a vessel that does not
12 have, and is not required to have, a valid marine document issued
13 by the United States coast guard or federal agency successor to
14 the United States coast guard.

15 (O) ~~(m)~~ "Uniform inspection decal" means an
16 adhesive-backed sticker created by the department pursuant to
17 section 80166 that is color-coded to indicate the year that it
18 expires and is attached to a vessel in the manner prescribed for
19 decals in section 80122 when a peace officer inspects and deter-
20 mines that the vessel complies with this part.

21 (P) ~~(n)~~ "Use" means operate, navigate, or employ.

22 (Q) ~~(o)~~ "Vessel" means every description of watercraft
23 used or capable of being used as a means of transportation on
24 water.

25 (R) ~~(p)~~ "Waters of this state" means any waters within the
26 territorial limits of this state, and includes those waters of
27 the Great Lakes that are under the jurisdiction of this state.

1 Sec. 80129. ~~All records of the secretary of state made or~~
2 ~~kept pursuant to this part shall be public records except as oth-~~
3 ~~erwise provided in this part. Annually the secretary of state~~
4 ~~shall compile all registration numbers and names of persons to~~
5 ~~whom those numbers have been assigned. This compilation shall be~~
6 ~~furnished without cost to all police agencies requesting a copy~~
7 ~~of the compilation. Individuals desiring copies of the annual~~
8 ~~registration list may obtain the list by payment of a reasonable~~
9 ~~fee established by the secretary of state.~~ RECORDS MAINTAINED
10 UNDER THIS PART, OTHER THAN THOSE DECLARED TO BE CONFIDENTIAL BY
11 LAW OR WHICH ARE RESTRICTED BY LAW FROM DISCLOSURE TO THE PUBLIC,
12 SHALL BE AVAILABLE TO THE PUBLIC PURSUANT TO PROCEDURES PRE-
13 SCRIBED IN THIS PART AND IN THE FREEDOM OF INFORMATION ACT, 1976
14 PA 442, MCL 15.231 TO 15.246.

15 Sec. 80130. (1) THE SECRETARY OF STATE MAY PROVIDE A COM-
16 Mercial LOOKUP SERVICE OF RECORDS MAINTAINED UNDER THIS PART.
17 THE SECRETARY OF STATE SHALL PROCESS A COMMERCIAL LOOKUP REQUEST
18 ONLY IF THE REQUEST IS IN A FORM OR FORMAT PRESCRIBED BY THE SEC-
19 RETARY OF STATE.

20 (2) In order to provide an individual, historical boating
21 record, the secretary of state shall create and maintain a
22 COMPUTERIZED central file that includes the INFORMATION CONTAINED
23 ON APPLICATION FORMS RECEIVED UNDER THIS PART AND THE name of
24 each person who is convicted of an offense, who fails to comply
25 with an order or judgment issued, or against whom an order is
26 entered under this part. THE COMPUTERIZED CENTRAL FILE SHALL BE
27 INTERFACED WITH THE LAW ENFORCEMENT INFORMATION NETWORK AS

1 PROVIDED IN THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA 163,
2 MCL 28.211 TO 28.216.

3 (3) THE SECRETARY OF STATE SHALL NOT PROVIDE AN ENTIRE COM-
4 PUTERIZED CENTRAL OR OTHER FILE OF RECORDS MAINTAINED UNDER THIS
5 PART TO A NONGOVERNMENTAL PERSON OR ENTITY UNLESS THE PURCHASER
6 PAYS THE PRESCRIBED FEE OR PRICE FOR EACH INDIVIDUAL RECORD CON-
7 TAINED WITHIN THE COMPUTERIZED FILE.

8 (4) A certified copy of an order, record, or paper main-
9 tained ~~in~~ UNDER this ~~record~~ PART is admissible in evidence in
10 the same manner as the original and is prima facie proof of the
11 facts stated in the original.

12 SEC. 80130A. (1) THE EXAMINATION, INSPECTION, OR SALE OF
13 PERSONAL INFORMATION BY THE SECRETARY OF STATE OR ANY OFFICER,
14 EMPLOYEE, AGENT, OR CONTRACTOR OF THE SECRETARY OF STATE MAIN-
15 TAINED UNDER THIS PART SHALL BE LIMITED AS PROVIDED IN THIS
16 SECTION.

17 (2) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
18 ACT SHALL BE DISCLOSED BY THE SECRETARY OF STATE IF REQUIRED TO
19 CARRY OUT THE PURPOSES OF A SPECIFIED FEDERAL LAW. AS USED IN
20 THIS SECTION, "SPECIFIED FEDERAL LAW" MEANS THE AUTOMOBILE INFOR-
21 MATION DISCLOSURE ACT, PUBLIC LAW 85-506, 15 U.S.C. 1231 TO 1232
22 AND 1233, THE FORMER MOTOR VEHICLE INFORMATION AND COST SAVINGS
23 ACT, PUBLIC LAW 92-513, THE FORMER NATIONAL TRAFFIC AND MOTOR
24 VEHICLE SAFETY ACT OF 1966, PUBLIC LAW 89-563, THE ANTI-CAR THEFT
25 ACT OF 1992, PUBLIC LAW 102-519, 106 STAT. 3384, THE CLEAN AIR
26 ACT, CHAPTER 360, 69 STAT. 322, 42 U.S.C. 7401 TO 7431, 7470 TO
27 7479, 7491 TO 7492, 7501 TO 7509a, 7511 TO 7515, 7521 TO 7525,

1 7541 TO 7545, 7547 TO 7550, 7552 TO 7554, 7571 TO 7574, 7581 TO
2 7590, 7601 TO 7612, 7614 TO 7617, 7619 TO 7622, 7624 TO 7627,
3 7641 TO 7642, 7651 TO 7651o, 7661 TO 7661f, AND 7671 TO 7671q,
4 AND ALL FEDERAL REGULATIONS PROMULGATED TO IMPLEMENT THESE FED-
5 ERAL LAWS.

6 (3) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
7 ACT MAY BE DISCLOSED TO ANY PERSON BY THE SECRETARY OF STATE AS
8 FOLLOWS:

9 (A) FOR USE BY ANY GOVERNMENT AGENCY, INCLUDING ANY COURT OR
10 LAW ENFORCEMENT AGENCY, IN CARRYING OUT ITS FUNCTIONS, OR ANY
11 PRIVATE PERSON OR ENTITY ACTING ON BEHALF OF A GOVERNMENT AGENCY
12 IN CARRYING OUT ITS FUNCTIONS.

13 (B) FOR USE IN CONNECTION WITH MATTERS OF WATERCRAFT AND
14 OPERATOR SAFETY OR WATERCRAFT THEFT; WATERCRAFT EMISSIONS; WATER-
15 CRAFT PRODUCT ALTERATIONS, RECALLS, OR ADVISORIES; PERFORMANCE
16 MONITORING OF WATERCRAFT; WATERCRAFT RESEARCH ACTIVITIES INCLUD-
17 ING SURVEY RESEARCH; AND THE REMOVAL OF NONOWNER RECORDS FROM THE
18 ORIGINAL RECORDS OF WATERCRAFT MANUFACTURERS.

19 (C) FOR USE IN THE NORMAL COURSE OF BUSINESS BY A BUSINESS
20 OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS TO VERIFY THE ACCURACY
21 OF PERSONAL INFORMATION SUBMITTED BY AN INDIVIDUAL TO THE BUSI-
22 NESS OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, AND IF THE INFOR-
23 MATION AS SUBMITTED IS NOT CORRECT OR IS NO LONGER CORRECT, TO
24 OBTAIN THE CORRECT INFORMATION, BUT ONLY FOR THE PURPOSES OF PRE-
25 VENTING FRAUD, BY PURSUING LEGAL REMEDIES AGAINST, OR RECOVERING
26 ON A DEBT OR SECURITY INTEREST AGAINST, THE INDIVIDUAL.

1 (D) FOR USE IN CONNECTION WITH ANY CIVIL, CRIMINAL,
2 ADMINISTRATIVE, OR ARBITRAL PROCEEDING IN ANY COURT OR GOVERNMENT
3 AGENCY OR BEFORE ANY SELF-REGULATORY BODY, INCLUDING THE SERVICE
4 OF PROCESS, INVESTIGATION IN ANTICIPATION OF LITIGATION, AND THE
5 EXECUTION OR ENFORCEMENT OF JUDGMENTS AND ORDERS, OR PURSUANT TO
6 AN ORDER OF ANY COURT, ADMINISTRATIVE AGENCY, OR SELF-REGULATORY
7 BODY.

8 (E) FOR USE IN RESEARCH ACTIVITIES, AND FOR USE IN PRODUCING
9 STATISTICAL REPORTS, SO LONG AS THE PERSONAL INFORMATION IS NOT
10 PUBLISHED, REDISCLOSED, OR USED TO CONTACT INDIVIDUALS.

11 (F) FOR USE BY ANY INSURER, SELF-INSURER, OR INSURANCE SUP-
12 PORT ORGANIZATION, OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, IN
13 CONNECTION WITH CLAIMS INVESTIGATION ACTIVITIES, ANTIFRAUD ACTIV-
14 ITIES, RATING, OR UNDERWRITING.

15 (G) FOR USE IN PROVIDING NOTICE TO THE OWNER OF AN ABAN-
16 DONED, TOWED, OR IMPOUNDED WATERCRAFT.

17 (H) FOR USE BY ANY LICENSED PRIVATE SECURITY GUARD AGENCY OR
18 ALARM SYSTEM CONTRACTOR LICENSED UNDER THE PRIVATE SECURITY GUARD
19 ACT OF 1968, 1968 PA 330, MCL 338.1051 TO 338.1085, OR A PRIVATE
20 DETECTIVE OR PRIVATE INVESTIGATOR LICENSED UNDER THE PRIVATE
21 DETECTIVE LICENSE ACT OF 1965, 1965 PA 285, MCL 338.821 TO
22 338.851, FOR ANY PURPOSE PERMITTED UNDER THIS SECTION.

23 (I) FOR ANY OTHER USE IN RESPONSE TO REQUESTS FOR INDIVIDUAL
24 RECORDS IF THE REQUESTER OF THE INFORMATION HAS OBTAINED WRITTEN
25 CONSENT FROM THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS AND
26 THE REQUESTER HAS PROVIDED PROOF OF RECEIPT OF WRITTEN CONSENT TO
27 THE SECRETARY OF STATE.

1 SEC. 80130B. (1) AN AUTHORIZED RECIPIENT OF PERSONAL
2 INFORMATION MAY RESELL OR REDISCLOSE THE INFORMATION FOR ANY USE
3 PERMITTED UNDER SECTION 80130A. AN AUTHORIZED RECIPIENT OF AN
4 INDIVIDUAL RECORD OR RECORDS UNDER SECTION 81114A MAY RESELL OR
5 REDISCLOSE PERSONAL INFORMATION FOR ANY PURPOSE.

6 (2) ANY AUTHORIZED RECIPIENT WHO RESELLS OR REDISCLOSES PER-
7 SONAL INFORMATION SHALL BE REQUIRED BY THE SECRETARY OF STATE TO
8 MAINTAIN FOR A PERIOD OF NOT LESS THAN 5 YEARS RECORDS AS TO THE
9 INFORMATION OBTAINED AND THE PERMITTED USE FOR WHICH IT WAS
10 OBTAINED, AND TO MAKE SUCH RECORDS AVAILABLE FOR INSPECTION BY
11 THE SECRETARY OF STATE, UPON REQUEST.

12 SEC. 80130C. (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. THE SEC-
23 RETARY OF STATE MAY REQUIRE THE REQUESTING AGENCY TO FURNISH 1 OR
24 MORE BLANK COMPUTER TAPES, CARTRIDGES, OR OTHER ELECTRONIC MEDIA,
25 AND MAY REQUIRE THE AGENCY TO EXECUTE A WRITTEN MEMORANDUM OF
26 AGREEMENT AS A CONDITION OF OBTAINING A LIST OF INFORMATION UNDER
27 THIS SUBSECTION.

1 (2) THE SECRETARY OF STATE MAY CONTRACT FOR THE SALE OF
2 LISTS OF RECORDS MAINTAINED UNDER THIS PART IN BULK, IN ADDITION
3 TO THOSE LISTS DISTRIBUTED AT COST OR AT NO COST UNDER THIS SEC-
4 TION, FOR PURPOSES DEFINED IN SECTION 80130A(3) AS WELL AS FOR
5 SURVEYS, MARKETING, AND SOLICITATIONS. THE SECRETARY OF STATE
6 SHALL REQUIRE EACH PURCHASER OF INFORMATION IN BULK TO EXECUTE A
7 WRITTEN PURCHASE CONTRACT. THE SECRETARY OF STATE SHALL FIX A
8 MARKET-BASED PRICE FOR THE SALE OF LISTS OF BULK INFORMATION,
9 WHICH MAY INCLUDE PERSONAL INFORMATION. THE PROCEEDS FROM EACH
10 SALE SHALL BE USED BY THE SECRETARY OF STATE TO DEFRAY THE COSTS
11 OF LIST PREPARATION AND FOR OTHER NECESSARY OR RELATED EXPENSES.

12 (3) BEFORE SELLING AND FURNISHING ANY LIST OF INFORMATION
13 UNDER SUBSECTION (2) FOR SURVEYS, MARKETING, AND SOLICITATIONS,
14 THE SECRETARY OF STATE SHALL IMPLEMENT METHODS AND PROCEDURES TO
15 ACCOMPLISH BOTH OF THE FOLLOWING:

16 (A) PROVIDE INDIVIDUALS WITH A CONSPICUOUS OPPORTUNITY,
17 THROUGH A TELEPHONIC OR OTHER AUTOMATED OR EFFICIENT SYSTEM, TO
18 NOTIFY THE SECRETARY OF STATE OF THEIR DESIRE TO PROHIBIT THE
19 DISCLOSURE OF PERSONAL INFORMATION CONCERNING THEM, FOR PURPOSES
20 OF SURVEYS, MARKETING, AND SOLICITATIONS.

21 (B) ENSURE THAT PERSONAL INFORMATION DISCLOSED IN BULK WILL
22 BE USED, RENTED, OR SOLD SOLELY FOR A PERMITTED USE UNDER THIS
23 PART, AND THAT SURVEYS, MARKETING, AND SOLICITATIONS WILL NOT BE
24 DIRECTED AT THOSE INDIVIDUALS WHO IN A TIMELY FASHION HAVE
25 REQUESTED THAT SURVEYS, MARKETING, AND SOLICITATIONS NOT BE
26 DIRECTED AT THEM.

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 SHALL DO BOTH OF
11 THE FOLLOWING:

12 (A) MAKE AND KEEP FOR A PERIOD OF NOT LESS THAN 5 YEARS
13 RECORDS IDENTIFYING EACH PERSON WHO RECEIVED PERSONAL INFORMATION
14 FROM THE AUTHORIZED RECIPIENT AND THE PERMITTED PURPOSE FOR WHICH
15 IT WAS OBTAINED.

16 (B) ALLOW A REPRESENTATIVE OF THE SECRETARY OF STATE, UPON
17 REQUEST, TO INSPECT AND COPY RECORDS IDENTIFYING EACH PERSON WHO
18 RECEIVED PERSONAL INFORMATION FROM THE AUTHORIZED RECIPIENT AND
19 THE PERMITTED PURPOSE FOR WHICH IT WAS OBTAINED.

20 (6) THE SECRETARY OF STATE SHALL NOT DISCLOSE A LIST BASED
21 ON WATERCRAFT OPERATION OR SANCTIONS TO A NONGOVERNMENTAL AGENCY,
22 INCLUDING AN INDIVIDUAL.

23 SEC. 80130D. (1) A PERSON WHO MAKES A FALSE REPRESENTATION
24 OR FALSE CERTIFICATION TO OBTAIN PERSONAL INFORMATION UNDER THIS
25 PART, OR WHO USES PERSONAL INFORMATION FOR A PURPOSE OTHER THAN A
26 PERMISSIBLE PURPOSE IDENTIFIED IN SECTION 80130A OR 80130C, IS
27 GUILTY OF A FELONY.

1 (2) A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS
2 SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
3 LESS THAN 2 YEARS OR MORE THAN 7 YEARS, OR BY A FINE OF NOT LESS
4 THAN \$1,500.00 OR MORE THAN \$7,000.00, OR BOTH.

5 (3) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIO-
6 LATION OF THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY
7 IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE THAN 15 YEARS, OR
8 BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$15,000.00, OR
9 BOTH.

10 Sec. 80301. As used in this part: ~~,"watercraft"~~

11 (A) "HIGHLY RESTRICTED PERSONAL INFORMATION" MEANS AN
12 INDIVIDUAL'S PHOTOGRAPH OR IMAGE, SOCIAL SECURITY NUMBER, DIGI-
13 TIZED SIGNATURE, AND MEDICAL AND DISABILITY INFORMATION.

14 (B) "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES
15 AN INDIVIDUAL, INCLUDING AN INDIVIDUAL'S DRIVER IDENTIFICATION
16 NUMBER, NAME, ADDRESS NOT INCLUDING ZIP CODE, AND TELEPHONE
17 NUMBER.

18 (C) "WATERCRAFT" means a contrivance used or designed for
19 navigation on water, including a vessel, boat, motor vessel,
20 steam vessel, vessel operated by machinery either permanently or
21 temporarily affixed, scow, tugboat, or any marine equipment that
22 is capable of carrying passengers, except a ferry.

23 Sec. 80310. (1) The secretary of state shall prescribe a
24 uniform method of numbering certificates of title, and shall
25 maintain in his or her office indexes for the certificates of
26 title.

1 (2) The secretary of state may destroy a certificate of
2 title or supporting evidence of a certificate of title covering a
3 watercraft which was on file for 10 years after the date of its
4 filing.

5 (3) THE SECRETARY OF STATE SHALL FURNISH INFORMATION ON A
6 TITLE WITHOUT CHARGE TO AUTHORIZED LAW ENFORCEMENT AND CONSERVA-
7 TION OFFICERS WHEN ENGAGED IN OFFICIAL DUTIES.

8 Sec. 80315. (1) RECORDS MAINTAINED UNDER THIS PART, OTHER
9 THAN THOSE DECLARED TO BE CONFIDENTIAL BY LAW OR WHICH ARE
10 RESTRICTED BY LAW FROM DISCLOSURE TO THE PUBLIC, SHALL BE AVAIL-
11 ABLE TO THE PUBLIC PURSUANT TO PROCEDURES PRESCRIBED IN THIS
12 PART, AND IN THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
13 15.231 TO 15.246.

14 (2) ~~(1)~~ The secretary of state may provide a commercial
15 ~~look-up~~ LOOKUP service of watercraft title records ~~on a fee~~
16 ~~basis per transaction and~~ MAINTAINED UNDER THIS PART. THE SEC-
17 RETARY OF STATE SHALL PROCESS A COMMERCIAL LOOKUP REQUEST ONLY IF
18 THE REQUEST IS IN A FORM OR FORMAT PRESCRIBED BY THE SECRETARY OF
19 STATE. THE SECRETARY OF STATE MAY use fee revenues received from
20 the service for necessary expenses.

21 ~~(2) The secretary of state shall furnish information on a~~
22 ~~title without charge to authorized law enforcement and conserva-~~
23 ~~tion officers when engaged in official duties.~~

24 (3) THE SECRETARY OF STATE SHALL CREATE AND MAINTAIN A COM-
25 PUTERIZED CENTRAL FILE THAT INCLUDES THE INFORMATION CONTAINED ON
26 APPLICATION FORMS RECEIVED UNDER THIS PART. THE COMPUTERIZED
27 CENTRAL FILE SHALL BE INTERFACED WITH THE LAW ENFORCEMENT

1 INFORMATION NETWORK AS PROVIDED IN THE L.E.I.N. POLICY COUNCIL
2 ACT OF 1974, 1974 PA 163, MCL 28.211 TO 28.216.

3 (4) THE SECRETARY OF STATE SHALL NOT PROVIDE AN ENTIRE COM-
4 PUTERIZED CENTRAL OR OTHER FILE OF RECORDS MAINTAINED UNDER THIS
5 PART TO A NONGOVERNMENTAL PERSON OR ENTITY, UNLESS THE PURCHASER
6 PAYS THE PRESCRIBED FEE OR PRICE FOR EACH INDIVIDUAL RECORD CON-
7 TAINED WITHIN THE COMPUTERIZED FILE.

8 (5) A CERTIFIED COPY OF AN ORDER, RECORD, OR PAPER MAIN-
9 TAINED UNDER THIS PART IS ADMISSIBLE IN EVIDENCE IN THE SAME
10 MANNER AS THE ORIGINAL AND IS PRIMA FACIE PROOF OF THE FACTS
11 STATED IN THE ORIGINAL.

12 SEC. 80315A. (1) EXCEPT AS PROVIDED IN THIS SECTION AND
13 SECTION 80315C, PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER
14 THIS PART SHALL NOT BE DISCLOSED, UNLESS THE PERSON REQUESTING
15 THE INFORMATION FURNISHES PROOF OF IDENTITY CONSIDERED SATISFAC-
16 TORY TO THE SECRETARY OF STATE AND CERTIFIES THAT THE PERSONAL
17 INFORMATION REQUESTED WILL BE USED FOR A PERMISSIBLE PURPOSE
18 IDENTIFIED IN THIS SECTION OR IN SECTION 80315C. NOTWITHSTANDING
19 THIS SECTION, HIGHLY RESTRICTED PERSONAL INFORMATION SHALL BE
20 USED AND DISCLOSED ONLY AS EXPRESSLY PERMITTED BY LAW.

21 (2) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
22 ACT SHALL BE DISCLOSED BY THE SECRETARY OF STATE IF REQUIRED TO
23 CARRY OUT THE PURPOSES OF A SPECIFIED FEDERAL LAW. AS USED IN
24 THIS SECTION, "SPECIFIED FEDERAL LAW" MEANS THE AUTOMOBILE INFOR-
25 MATION DISCLOSURE ACT, PUBLIC LAW 85-506, 15 U.S.C. 1231 TO 1232
26 AND 1233, THE FORMER MOTOR VEHICLE INFORMATION AND COST SAVINGS
27 ACT, PUBLIC LAW 92-513, THE FORMER NATIONAL TRAFFIC AND MOTOR

1 VEHICLE SAFETY ACT OF 1966, PUBLIC LAW 89-563, THE ANTI-CAR THEFT
2 ACT OF 1992, PUBLIC LAW 102-519, 106 STAT. 3384, THE CLEAN AIR
3 ACT, CHAPTER 360, 69 STAT. 322, 42 U.S.C. 7401 TO 7431, 7470 TO
4 7479, 7491 TO 7492, 7501 TO 7509a, 7511 TO 7515, 7521 TO 7525,
5 7541 TO 7545, 7547 TO 7550, 7552 TO 7554, 7571 TO 7574, 7581 TO
6 7590, 7601 TO 7612, 7614 TO 7617, 7619 TO 7622, 7624 TO 7627,
7 7641 TO 7642, 7651 TO 7651o, 7661 TO 7661f, AND 7671 TO 7671q,
8 AND ALL FEDERAL REGULATIONS PROMULGATED TO IMPLEMENT THESE FED-
9 ERAL LAWS.

10 (3) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
11 PART MAY BE DISCLOSED AS FOLLOWS:

12 (A) FOR USE BY ANY GOVERNMENT AGENCY, INCLUDING ANY COURT OR
13 LAW ENFORCEMENT AGENCY, IN CARRYING OUT ITS FUNCTIONS, OR ANY
14 PRIVATE PERSON OR ENTITY ACTING ON BEHALF OF A GOVERNMENT AGENCY
15 IN CARRYING OUT ITS FUNCTIONS.

16 (B) FOR USE IN CONNECTION WITH MATTERS OF WATERCRAFT AND
17 OPERATOR SAFETY OR WATERCRAFT THEFT; WATERCRAFT EMISSIONS; WATER-
18 CRAFT PRODUCT ALTERATIONS, RECALLS; OR ADVISORIES; PERFORMANCE
19 MONITORING OF WATERCRAFT; WATERCRAFT RESEARCH ACTIVITIES, INCLUD-
20 ING SURVEY RESEARCH; AND THE REMOVAL OF NONOWNER RECORDS FROM THE
21 ORIGINAL RECORDS OF WATERCRAFT MANUFACTURERS.

22 (C) FOR USE IN THE NORMAL COURSE OF BUSINESS BY A BUSINESS
23 OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS TO VERIFY THE ACCURACY
24 OF PERSONAL INFORMATION SUBMITTED BY AN INDIVIDUAL TO THE BUSI-
25 NESS OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, AND IF THE INFOR-
26 MATION AS SUBMITTED IS NOT CORRECT OR IS NO LONGER CORRECT, TO
27 OBTAIN THE CORRECT INFORMATION, BUT ONLY FOR THE PURPOSES OF

1 PREVENTING FRAUD, BY PURSUING LEGAL REMEDIES AGAINST, OR
2 RECOVERING ON A DEBT OR SECURITY INTEREST AGAINST, THE
3 INDIVIDUAL.

4 (D) FOR USE IN CONNECTION WITH ANY CIVIL, CRIMINAL, ADMINIS-
5 TRATIVE, OR ARBITRAL PROCEEDING IN ANY COURT OR GOVERNMENT AGENCY
6 OR BEFORE ANY SELF-REGULATORY BODY, INCLUDING THE SERVICE OF PRO-
7 CESS, INVESTIGATION IN ANTICIPATION OF LITIGATION, AND THE EXECU-
8 TION OR ENFORCEMENT OF JUDGMENTS AND ORDERS, OR PURSUANT TO AN
9 ORDER OF ANY COURT, ADMINISTRATIVE AGENCY, OR SELF-REGULATORY
10 BODY.

11 (E) FOR USE IN RESEARCH ACTIVITIES, AND FOR USE IN PRODUCING
12 STATISTICAL REPORTS, SO LONG AS THE PERSONAL INFORMATION IS NOT
13 PUBLISHED, REDISCLOSED, OR USED TO CONTACT INDIVIDUALS.

14 (F) FOR USE BY ANY INSURER, SELF-INSURER, OR INSURANCE SUP-
15 PORT ORGANIZATION, OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, IN
16 CONNECTION WITH CLAIMS INVESTIGATION ACTIVITIES, ANTIFRAUD ACTIV-
17 ITIES, RATING, OR UNDERWRITING.

18 (G) FOR USE IN PROVIDING NOTICE TO THE OWNER OF AN ABAN-
19 DONED, TOWED, OR IMPOUNDED WATERCRAFT.

20 (H) FOR USE BY ANY LICENSED PRIVATE SECURITY GUARD AGENCY OR
21 ALARM SYSTEM CONTRACTOR LICENSED UNDER THE PRIVATE SECURITY GUARD
22 ACT OF 1968, 1968 PA 330, MCL 338.1051 TO 338.1085, OR A PRIVATE
23 DETECTIVE OR PRIVATE INVESTIGATOR LICENSED UNDER THE PRIVATE
24 DETECTIVE LICENSE ACT OF 1965, 1965 PA 285, MCL 338.821 TO
25 338.851, FOR ANY PURPOSE PERMITTED UNDER THIS SECTION.

1 (I) FOR USE BY A WATERCRAFT RENTAL BUSINESS OR ITS
2 EMPLOYEES, AGENTS, CONTRACTORS, OR SERVICE FIRMS FOR THE PURPOSE
3 OF MAKING RENTAL DECISIONS.

4 (J) FOR ANY USE BY A REQUESTER IF THE REQUESTER HAS OBTAINED
5 WRITTEN CONSENT FROM THE INDIVIDUAL ABOUT WHOM THE INFORMATION
6 PERTAINS AND HAS PROVIDED PROOF OF RECEIPT OF THE WRITTEN CONSENT
7 TO THE SECRETARY OF STATE.

8 SEC. 80315B. (1) AN AUTHORIZED RECIPIENT OF PERSONAL INFOR-
9 MATION UNDER SECTION 80315A MAY RESELL OR REDISCLOSE THE INFORMA-
10 TION FOR ANY USE PERMITTED UNDER SECTION 80315A.

11 (2) ANY AUTHORIZED RECIPIENT WHO RESELLS OR REDISCLOSES PER-
12 SONAL INFORMATION SHALL BE REQUIRED BY THE SECRETARY OF STATE TO
13 MAINTAIN FOR A PERIOD OF NOT LESS THAN 5 YEARS RECORDS AS TO THE
14 INFORMATION OBTAINED AND THE PERMITTED USE FOR WHICH IT WAS
15 OBTAINED, AND TO MAKE SUCH RECORDS AVAILABLE FOR INSPECTION BY
16 THE SECRETARY OF STATE, UPON REQUEST.

17 SEC. 80315C. (1) UPON REQUEST, THE SECRETARY OF STATE MAY
18 FURNISH A LIST OF INFORMATION FROM THE RECORDS OF THE DEPARTMENT
19 MAINTAINED UNDER THIS PART TO A FEDERAL, STATE, OR LOCAL GOVERN-
20 MENTAL AGENCY FOR USE IN CARRYING OUT THE AGENCY'S FUNCTIONS, OR
21 TO A PRIVATE PERSON OR ENTITY ACTING ON BEHALF OF A GOVERNMENTAL
22 AGENCY FOR USE IN CARRYING OUT THE AGENCY'S FUNCTIONS. UNLESS
23 OTHERWISE PROHIBITED BY LAW, THE SECRETARY OF STATE MAY CHARGE
24 THE REQUESTING AGENCY A PREPARATION FEE TO COVER THE COST OF PRE-
25 PARING AND FURNISHING A LIST PROVIDED UNDER THIS SUBSECTION IF
26 THE COST OF PREPARATION EXCEEDS \$25.00, AND USE THE REVENUES
27 RECEIVED FROM THE SERVICE TO DEFRAY NECESSARY EXPENSES. THE

1 SECRETARY OF STATE MAY REQUIRE THE REQUESTING AGENCY TO FURNISH 1
2 OR MORE BLANK COMPUTER TAPES, CARTRIDGES, OR OTHER ELECTRONIC
3 MEDIA, AND MAY REQUIRE THE AGENCY TO EXECUTE A WRITTEN MEMORANDUM
4 OF AGREEMENT AS A CONDITION OF OBTAINING A LIST OF INFORMATION
5 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 80315A(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 ANY LIST OF INFORMATION
18 UNDER SUBSECTION (2) FOR SURVEYS, MARKETING, AND SOLICITATIONS,
19 THE SECRETARY OF STATE SHALL IMPLEMENT METHODS AND PROCEDURES TO
20 ACCOMPLISH BOTH OF THE FOLLOWING:

21 (A) PROVIDE INDIVIDUALS WITH A CONSPICUOUS OPPORTUNITY,
22 THROUGH A TELEPHONIC OR OTHER AUTOMATED OR EFFICIENT SYSTEM, TO
23 NOTIFY THE SECRETARY OF STATE OF THEIR DESIRE TO PROHIBIT THE
24 DISCLOSURE OF PERSONAL INFORMATION CONCERNING THEM, FOR PURPOSES
25 OF SURVEYS, MARKETING, AND SOLICITATIONS.

26 (B) ENSURE THAT PERSONAL INFORMATION DISCLOSED IN BULK WILL
27 BE USED, RENTED, OR SOLD SOLELY FOR USES PERMITTED UNDER THIS

1 PART, AND THAT SURVEYS, MARKETING, AND SOLICITATIONS WILL NOT BE
2 DIRECTED AT THOSE INDIVIDUALS WHO IN A TIMELY FASHION HAVE
3 REQUESTED THAT SURVEYS, MARKETING, AND SOLICITATIONS NOT BE
4 DIRECTED AT THEM.

5 (4) THE SECRETARY OF STATE MAY INSERT ANY SAFEGUARD THE SEC-
6 RETARY CONSIDERS REASONABLE OR NECESSARY, INCLUDING A BOND
7 REQUIREMENT, IN A MEMORANDUM OF AGREEMENT OR PURCHASE CONTRACT
8 EXECUTED UNDER THIS SECTION, TO ENSURE THAT THE INFORMATION FUR-
9 NISHED OR SOLD IS USED ONLY FOR A PERMISSIBLE USE AND THAT THE
10 RIGHTS OF INDIVIDUALS AND OF THE SECRETARY OF STATE ARE
11 PROTECTED.

12 (5) AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION DIS-
13 CLOSED UNDER THIS SECTION WHO RESELLS OR REDISCLOSES THE INFORMA-
14 TION FOR SURVEYS, MARKETING, AND SOLICITATIONS SHALL DO BOTH OF
15 THE FOLLOWING:

16 (A) MAKE AND KEEP FOR A PERIOD OF NOT LESS THAN 5 YEARS
17 RECORDS IDENTIFYING EACH PERSON WHO RECEIVED PERSONAL INFORMATION
18 FROM THE AUTHORIZED RECIPIENT AND THE PERMITTED PURPOSE FOR WHICH
19 IT WAS OBTAINED.

20 (B) ALLOW A REPRESENTATIVE OF THE SECRETARY OF STATE, UPON
21 REQUEST, TO INSPECT AND COPY RECORDS IDENTIFYING EACH PERSON WHO
22 RECEIVED PERSONAL INFORMATION FROM THE AUTHORIZED RECIPIENT AND
23 THE PERMITTED PURPOSE FOR WHICH IT WAS OBTAINED.

24 SEC. 80319A. (1) A PERSON WHO MAKES A FALSE REPRESENTATION
25 OR FALSE CERTIFICATION TO OBTAIN PERSONAL INFORMATION UNDER THIS
26 PART, OR WHO USES PERSONAL INFORMATION FOR A PURPOSE OTHER THAN A

1 PERMISSIBLE PURPOSE IDENTIFIED IN SECTION 80315A OR 80315C, IS
2 GUILTY OF A FELONY.

3 (2) A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS
4 SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
5 LESS THAN 2 YEARS OR MORE THAN 7 YEARS, OR BY A FINE OF NOT LESS
6 THAN \$1,500.00 OR MORE THAN \$7,000.00, OR BOTH.

7 (3) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIO-
8 LATION OF THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY
9 IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE THAN 15 YEARS, OR
10 BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$15,000.00, OR
11 BOTH.

12 Sec. 81101. As used in this part:

13 (a) "ATV" means a 3- or 4-wheeled vehicle designed for
14 off-road use that has low-pressure tires, has a seat designed to
15 be straddled by the rider, and is powered by a 50cc to 500cc gas-
16 oline engine or an engine of comparable size using other fuels.

17 (b) "Code" means the Michigan vehicle code, ~~Act No. 300 of~~
18 ~~the Public Acts of 1949, being sections 257.1 to 257.923 of the~~
19 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

20 (c) "Dealer" means a person engaged in the sale, lease, or
21 rental of an ORV as a regular business or, for purposes of sell-
22 ing licenses under section 81116, any other person authorized by
23 the department to sell licenses or permits, or both, under this
24 act.

25 (d) "Designated" means posted open for ORV use with appro-
26 priate signs by the department.

1 (e) "Forest road" means a hard surfaced road, gravel or dirt
2 road, or other route capable of travel by a 2-wheel drive 4-wheel
3 conventional vehicle designed for highway use, except an inter-
4 state, state, or county highway.

5 (f) "Forest trail" means a designated path or way capable of
6 travel only by a vehicle less than 50 inches in width.

7 (g) "Handicapper" means a person who has 1 or more of the
8 following physical characteristics:

9 (i) Blindness.

10 (ii) Inability to ambulate more than 200 feet without having
11 to stop and rest during any time of the year.

12 (iii) Loss of use of 1 or both legs or feet.

13 (iv) Inability to ambulate without the prolonged use of a
14 wheelchair, walker, crutches, braces, or other device required to
15 aid mobility.

16 (v) A lung disease from which the person's expiratory volume
17 for 1 second, when measured by spirometry, is less than 1 liter,
18 or from which the person's arterial oxygen tension is less than
19 60 mm/hg of room air at rest.

20 (vi) A cardiovascular disease from which the person measures
21 between 3 and 4 on the New York heart classification scale, or
22 from which a marked limitation of physical activity causes
23 fatigue, palpitation, dyspnea, or anginal pain.

24 (vii) Other diagnosed disease or disorder including, but not
25 limited to, severe arthritis or a neurological or orthopedic
26 impairment that creates a severe mobility limitation.

1 (h) "Highway" means the entire width between the boundary
2 lines of a way publicly maintained when any part of the way is
3 open to the use of the public for purposes of vehicular travel.

4 (I) "HIGHLY RESTRICTED PERSONAL INFORMATION" MEANS AN
5 INDIVIDUAL'S PHOTOGRAPH OR IMAGE, SOCIAL SECURITY NUMBER, DIGI-
6 TIZED SIGNATURE, AND MEDICAL AND DISABILITY INFORMATION.

7 (J) ~~(i)~~ "Late model ORV" means an ORV manufactured in the
8 current model year or the 5 model years immediately preceding the
9 current model year.

10 (K) ~~(j)~~ "Manufacturer" means a person, partnership, corpo-
11 ration, or association engaged in the production and manufacture
12 of ORVs as a regular business.

13 (L) ~~(k)~~ "Operate" means to ride in or on, and be in actual
14 physical control of, the operation of an ORV.

15 (M) ~~(l)~~ "Operator" means a person who operates or is in
16 actual physical control of the operation of an ORV.

17 (N) ~~(m)~~ "ORV" or "vehicle" means a motor driven off-road
18 recreation vehicle capable of cross-country travel without bene-
19 fit of a road or trail, on or immediately over land, snow, ice,
20 marsh, swampland, or other natural terrain. ORV or vehicle
21 includes, but is not limited to, a multitrack or multiwheel drive
22 vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or
23 4-wheel vehicle, an amphibious machine, a ground effect air cush-
24 ion vehicle, or other means of transportation deriving motive
25 power from a source other than muscle or wind. ORV or vehicle
26 does not include a registered snowmobile, a farm vehicle being
27 used for farming, a vehicle used for military, fire, emergency,

1 or law enforcement purposes, a vehicle owned and operated by a
2 utility company or an oil or gas company when performing mainte-
3 nance on its facilities or on property over which it has an ease-
4 ment, a construction or logging vehicle used in performance of
5 its common function, or a registered aircraft.

6 (O) ~~(n)~~ "Owner" means any of the following:

7 (i) A vendee or lessee of an ORV which is the subject of an
8 agreement for the conditional sale or lease of the ORV, with the
9 right of purchase upon performance of the conditions stated in
10 the agreement, and with an immediate right of possession vested
11 in the conditional vendee or lessee.

12 (ii) A person renting an ORV, or having the exclusive use of
13 an ORV, for more than 30 days.

14 (iii) A person who holds legal ownership of an ORV.

15 (P) "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES
16 AN INDIVIDUAL, INCLUDING AN INDIVIDUAL'S DRIVER IDENTIFICATION
17 NUMBER, NAME, ADDRESS NOT INCLUDING ZIP CODE, AND TELEPHONE
18 NUMBER, BUT DOES NOT INCLUDE INFORMATION ON ORV OPERATION OR
19 EQUIPMENT-RELATED VIOLATIONS OR CIVIL INFRACTIONS, OPERATOR OR
20 VEHICLE REGISTRATION STATUS, ACCIDENTS, OR OTHER
21 BEHAVIORALLY-RELATED INFORMATION.

22 (Q) ~~(o)~~ "Public agency" means the department or a local or
23 federal unit of government.

24 (R) ~~(p)~~ "Roadway" means that portion of a highway
25 improved, designated, or ordinarily used for vehicular travel.
26 If a highway includes 2 or more separate roadways, the term

1 roadway refers to a roadway separately, but not to all roadways
2 collectively.

3 (S) ~~(q)~~ "Route" means a forest road or other road that is
4 designated for purposes of this part by the department.

5 (T) ~~(r)~~ "Safety education fund" means the safety education
6 fund created under section 81118.

7 (U) ~~(s)~~ "Safety chief instructor" means a person who has
8 been certified by a nationally recognized ATV and ORV organiza-
9 tion to certify instructors and to do on-sight evaluations of
10 instructors.

11 (V) ~~(t)~~ "Trail improvement fund" means the ORV trail
12 improvement fund created pursuant to section 81117.

13 (W) ~~(u)~~ "Visual supervision" means the direct observation
14 of the operator with the unaided or normally corrected eye, where
15 the observer is able to come to the immediate aid of the
16 operator.

17 Sec. 81113. (1) If an ORV certificate of title or duplicate
18 certificate of title is lost or mutilated or becomes illegible,
19 the person entitled to possession of the certificate, or the
20 legal representative or successor in interest to the titleholder
21 of record, may make application to the department of state for a
22 duplicate ORV certificate of title. Upon receipt of the applica-
23 tion, the fee prescribed in section 81110, and information satis-
24 factory to the department of state to establish entitlement to
25 the duplicate, the department of state may issue a duplicate ORV
26 certificate of title to the applicant.

1 (2) Every duplicate ORV certificate of title shall contain
2 the legend: "This is a duplicate certificate of title and may be
3 subject to the rights of a person under the original
4 certificate."

5 (3) THE SECRETARY OF STATE SHALL MAINTAIN 1 OR MORE INDEXES
6 PERTAINING TO ORV CERTIFICATES OF TITLE. UPON RECEIVING AN
7 APPLICATION FOR AN ORV CERTIFICATE OF TITLE, THE SECRETARY OF
8 STATE MAY CHECK THE INFORMATION IN THE APPLICATION AND ACCOMPANY-
9 ING DOCUMENTS AGAINST THE INDEXES OF TITLED, REGISTERED, STOLEN,
10 AND RECOVERED ORVS AND AGAINST OTHER RECORDS MAINTAINED BY THE
11 SECRETARY OF STATE.

12 Sec. 81114. (1) ~~The secretary of state shall maintain 1 or~~
13 ~~more indexes pertaining to ORV certificates of title. Upon~~
14 ~~receiving an application for an ORV certificate of title, the~~
15 ~~secretary of state may check the information in the application~~
16 ~~and accompanying documents against the indexes of titled, regis-~~
17 ~~tered, stolen, and recovered ORVs and against other records main-~~
18 ~~tained by the secretary of state.~~ RECORDS MAINTAINED UNDER THIS
19 PART, OTHER THAN THOSE DECLARED TO BE CONFIDENTIAL BY LAW OR
20 WHICH ARE RESTRICTED BY LAW FROM DISCLOSURE TO THE PUBLIC, SHALL
21 BE AVAILABLE TO THE PUBLIC PURSUANT TO PROCEDURES PRESCRIBED IN
22 THIS PART, AND IN THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
23 MCL 15.231 TO 15.246.

24 (2) The secretary of state may provide a commercial
25 ~~look-up~~ LOOKUP service of ORV OPERATION, title, and registra-
26 tion records ~~on a fee basis~~ MAINTAINED UNDER THIS PART. The
27 secretary of state shall ~~not~~ process a commercial ~~look-up~~

1 LOOKUP request ~~unless it~~ ONLY IF THE REQUEST is in a form OR
2 FORMAT prescribed by the secretary of state. THE SECRETARY OF
3 STATE MAY USE THE REVENUES RECEIVED FROM THE SERVICE FOR NECES-
4 SARY EXPENSES.

5 (3) The secretary of state shall ~~furnish information on a~~
6 ~~title without charge to authorized law enforcement and conserva-~~
7 ~~tion officers when engaged in official duties~~ CREATE AND MAIN-
8 TAIN A COMPUTERIZED CENTRAL FILE THAT INCLUDES THE INFORMATION
9 CONTAINED ON APPLICATION FORMS RECEIVED UNDER THIS PART AND THE
10 NAME OF EACH PERSON WHO IS CONVICTED OF AN OFFENSE, WHO FAILS TO
11 COMPLY WITH AN ORDER OR JUDGMENT ISSUED, OR AGAINST WHOM AN ORDER
12 IS ENTERED UNDER THIS PART. THE COMPUTERIZED CENTRAL FILE SHALL
13 BE INTERFACED WITH THE LAW ENFORCEMENT INFORMATION NETWORK AS
14 PROVIDED IN THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA 163,
15 MCL 28.211 TO 28.216.

16 (4) The secretary of state may purge a record of an ORV cer-
17 tificate of title and any record pertaining to it 7 years after
18 the title was issued or the record was made or received.

19 (5) THE SECRETARY OF STATE SHALL NOT PROVIDE AN ENTIRE COM-
20 PUTERIZED CENTRAL OR OTHER FILE OF RECORDS MAINTAINED UNDER THIS
21 PART TO A NONGOVERNMENTAL PERSON OR ENTITY, UNLESS THE PURCHASER
22 PAYS THE PRESCRIBED FEE OR PRICE FOR EACH INDIVIDUAL RECORD CON-
23 TAINED WITHIN THE COMPUTERIZED FILE.

24 (6) A CERTIFIED COPY OF AN ORDER, RECORD, OR PAPER MAIN-
25 TAINED UNDER THIS PART IS ADMISSIBLE IN EVIDENCE IN THE SAME
26 MANNER AS THE ORIGINAL AND IS PRIMA FACIE PROOF OF THE FACTS
27 STATED IN THE ORIGINAL.

1 SEC. 81114A. (1) EXCEPT AS PROVIDED IN THIS SECTION AND IN
2 SECTION 81114C, PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER
3 THIS PART SHALL NOT BE DISCLOSED, UNLESS THE PERSON REQUESTING
4 THE INFORMATION FURNISHES PROOF OF IDENTITY CONSIDERED SATISFAC-
5 TORY TO THE SECRETARY OF STATE AND CERTIFIES THAT THE PERSONAL
6 INFORMATION REQUESTED WILL BE USED FOR A PERMISSIBLE PURPOSE
7 IDENTIFIED IN THIS SECTION OR IN SECTION 81114C. NOTWITHSTANDING
8 THIS SECTION, HIGHLY RESTRICTED PERSONAL INFORMATION SHALL BE
9 USED AND DISCLOSED ONLY AS EXPRESSLY PERMITTED BY LAW.

10 (2) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
11 ACT SHALL BE DISCLOSED BY THE SECRETARY OF STATE IF REQUIRED TO
12 CARRY OUT THE PURPOSES OF A SPECIFIED FEDERAL LAW. AS USED IN
13 THIS SECTION, "SPECIFIED FEDERAL LAW" MEANS THE AUTOMOBILE INFOR-
14 MATION DISCLOSURE ACT, PUBLIC LAW 85-506, 15 U.S.C. 1231 TO 1232
15 AND 1233, THE FORMER MOTOR VEHICLE INFORMATION AND COST SAVINGS
16 ACT, PUBLIC LAW 92-513, THE FORMER NATIONAL TRAFFIC AND MOTOR
17 VEHICLE SAFETY ACT OF 1966, PUBLIC LAW 89-563, THE ANTI-CAR THEFT
18 ACT OF 1992, PUBLIC LAW 102-519, 106 STAT. 3384, THE CLEAN AIR
19 ACT, CHAPTER 360, 69 STAT. 322, 42 U.S.C. 7401 TO 7431, 7470 TO
20 7479, 7491 TO 7492, 7501 TO 7509a, 7511 TO 7515, 7521 TO 7525,
21 7541 TO 7545, 7547 TO 7550, 7552 TO 7554, 7571 TO 7574, 7581 TO
22 7590, 7601 TO 7612, 7614 TO 7617, 7619 TO 7622, 7624 TO 7627,
23 7641 TO 7642, 7651 TO 7651o, 7661 TO 7661f, AND 7671 TO 7671q,
24 AND ALL FEDERAL REGULATIONS PROMULGATED TO IMPLEMENT THESE FED-
25 ERAL LAWS.

26 (3) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
27 PART MAY BE DISCLOSED AS FOLLOWS:

1 (A) FOR USE BY ANY GOVERNMENT AGENCY, INCLUDING ANY COURT OR
2 LAW ENFORCEMENT AGENCY, IN CARRYING OUT ITS FUNCTIONS, OR ANY
3 PRIVATE PERSON OR ENTITY ACTING ON BEHALF OF A GOVERNMENT AGENCY
4 IN CARRYING OUT ITS FUNCTIONS.

5 (B) FOR USE IN CONNECTION WITH MATTERS OF ORV AND OPERATOR
6 SAFETY OR ORV THEFT; ORV EMISSIONS; ORV PRODUCT ALTERATIONS,
7 RECALLS, OR ADVISORIES; PERFORMANCE MONITORING OF ORVS; ORV
8 RESEARCH ACTIVITIES, INCLUDING SURVEY RESEARCH; AND THE REMOVAL
9 OF NONOWNER RECORDS FROM THE ORIGINAL RECORDS OF ORV
10 MANUFACTURERS.

11 (C) FOR USE IN THE NORMAL COURSE OF BUSINESS BY A BUSINESS
12 OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS TO VERIFY THE ACCURACY
13 OF PERSONAL INFORMATION SUBMITTED BY AN INDIVIDUAL TO THE BUSI-
14 NESS OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, AND IF THE INFOR-
15 MATION AS SUBMITTED IS NOT CORRECT OR IS NO LONGER CORRECT, TO
16 OBTAIN THE CORRECT INFORMATION, BUT ONLY FOR THE PURPOSES OF PRE-
17 VENTING FRAUD, BY PURSUING LEGAL REMEDIES AGAINST, OR RECOVERING
18 ON A DEBT OR SECURITY INTEREST AGAINST, THE INDIVIDUAL.

19 (D) FOR USE IN CONNECTION WITH ANY CIVIL, CRIMINAL, ADMINIS-
20 TRATIVE, OR ARBITRAL PROCEEDING IN ANY COURT OR GOVERNMENT AGENCY
21 OR BEFORE ANY SELF-REGULATORY BODY, INCLUDING THE SERVICE OF PRO-
22 CESS, INVESTIGATION IN ANTICIPATION OF LITIGATION, AND THE EXECU-
23 TION OR ENFORCEMENT OF JUDGMENTS AND ORDERS, OR PURSUANT TO AN
24 ORDER OF ANY COURT, ADMINISTRATIVE AGENCY, OR SELF-REGULATORY
25 BODY.

1 (E) FOR USE IN RESEARCH ACTIVITIES, AND FOR USE IN PRODUCING
2 STATISTICAL REPORTS, SO LONG AS THE PERSONAL INFORMATION IS NOT
3 PUBLISHED, REDISCLOSED, OR USED TO CONTACT INDIVIDUALS.

4 (F) FOR USE BY ANY INSURER, SELF-INSURER, OR INSURANCE SUP-
5 PORT ORGANIZATION, OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, IN
6 CONNECTION WITH CLAIMS INVESTIGATION ACTIVITIES, ANTIFRAUD ACTIV-
7 ITIES, RATING, OR UNDERWRITING.

8 (G) FOR USE IN PROVIDING NOTICE TO THE OWNER OF AN ABAN-
9 DONED, TOWED, OR IMPOUNDED ORV.

10 (H) FOR USE BY ANY LICENSED PRIVATE SECURITY GUARD AGENCY OR
11 ALARM SYSTEM CONTRACTOR LICENSED UNDER THE PRIVATE SECURITY GUARD
12 ACT OF 1968, 1968 PA 330, MCL 338.1051 TO 338.1085, OR A PRIVATE
13 DETECTIVE OR PRIVATE INVESTIGATOR LICENSED UNDER THE PRIVATE
14 DETECTIVE LICENSE ACT OF 1965, 1965 PA 285, MCL 338.821 TO
15 338.851, FOR ANY PURPOSE PERMITTED UNDER THIS SECTION.

16 (I) FOR USE BY AN ORV RENTAL BUSINESS, OR ITS EMPLOYEES,
17 AGENTS, CONTRACTORS, OR SERVICE FIRMS, FOR THE PURPOSE OF MAKING
18 RENTAL DECISIONS.

19 (J) FOR ANY USE BY A REQUESTER IF THE REQUESTER HAS OBTAINED
20 WRITTEN CONSENT FROM THE INDIVIDUAL ABOUT WHOM THE INFORMATION
21 PERTAINS, AND HAS PROVIDED PROOF OF RECEIPT OF THE WRITTEN CON-
22 SENT TO THE SECRETARY OF STATE.

23 SEC. 81114B. (1) AN AUTHORIZED RECIPIENT OF PERSONAL INFOR-
24 MATION UNDER SECTION 81114A MAY RESELL OR REDISCLOSE THE INFORMA-
25 TION FOR ANY USE PERMITTED UNDER SECTION 81114A.

26 (2) ANY AUTHORIZED RECIPIENT OF PERSONAL INFORMATION
27 DISCLOSED UNDER SECTION 81114A WHO RESELLS OR REDISCLOSES

1 PERSONAL INFORMATION SHALL BE REQUIRED BY THE SECRETARY OF STATE
2 TO MAINTAIN FOR A PERIOD OF NOT LESS THAN 5 YEARS RECORDS AS TO
3 THE INFORMATION OBTAINED AND THE PERMITTED USE FOR WHICH IT WAS
4 OBTAINED, AND TO MAKE SUCH RECORDS AVAILABLE FOR INSPECTION BY
5 THE SECRETARY OF STATE, UPON REQUEST.

6 SEC. 81114C. (1) UPON REQUEST, THE SECRETARY OF STATE MAY
7 FURNISH A LIST OF INFORMATION FROM THE RECORDS OF THE DEPARTMENT
8 MAINTAINED UNDER THIS PART TO A FEDERAL, STATE, OR LOCAL GOVERN-
9 MENTAL AGENCY FOR USE IN CARRYING OUT THE AGENCY'S FUNCTIONS, OR
10 TO A PRIVATE PERSON OR ENTITY ACTING ON BEHALF OF A GOVERNMENTAL
11 AGENCY FOR USE IN CARRYING OUT THE AGENCY'S FUNCTIONS. UNLESS
12 OTHERWISE PROHIBITED BY LAW, THE SECRETARY OF STATE MAY CHARGE
13 THE REQUESTING AGENCY A PREPARATION FEE TO COVER THE COST OF PRE-
14 PARING AND FURNISHING A LIST PROVIDED UNDER THIS SUBSECTION IF
15 THE COST OF PREPARATION EXCEEDS \$25.00, AND USE THE REVENUES
16 RECEIVED FROM THE SERVICE TO DEFRAY NECESSARY EXPENSES. THE SEC-
17 RETARY OF STATE MAY REQUIRE THE REQUESTING AGENCY TO FURNISH 1 OR
18 MORE BLANK COMPUTER TAPES, CARTRIDGES, OR OTHER ELECTRONIC MEDIA,
19 AND MAY REQUIRE THE AGENCY TO EXECUTE A WRITTEN MEMORANDUM OF
20 AGREEMENT AS A CONDITION OF OBTAINING A LIST OF INFORMATION UNDER
21 THIS SUBSECTION.

22 (2) THE SECRETARY OF STATE MAY CONTRACT FOR THE SALE OF
23 LISTS OF RECORDS MAINTAINED UNDER THIS PART IN BULK, IN ADDITION
24 TO THOSE LISTS DISTRIBUTED AT COST OR AT NO COST UNDER THIS SEC-
25 TION, FOR PURPOSES DEFINED IN SECTION 81114A(3) AS WELL AS FOR
26 SURVEYS, MARKETING, AND SOLICITATIONS. THE SECRETARY OF STATE
27 SHALL REQUIRE EACH PURCHASER OF INFORMATION IN BULK TO EXECUTE A

1 WRITTEN PURCHASE CONTRACT. THE SECRETARY OF STATE SHALL FIX A
2 MARKET-BASED PRICE FOR THE SALE OF LISTS OF BULK INFORMATION,
3 WHICH MAY INCLUDE PERSONAL INFORMATION. THE PROCEEDS FROM EACH
4 SALE SHALL BE USED BY THE SECRETARY OF STATE TO DEFRAY THE COSTS
5 OF LIST PREPARATION AND FOR OTHER NECESSARY OR RELATED EXPENSES.

6 (3) BEFORE SELLING AND FURNISHING ANY LIST OF INFORMATION
7 UNDER SUBSECTION (2) FOR SURVEYS, MARKETING, AND SOLICITATIONS,
8 THE SECRETARY OF STATE SHALL IMPLEMENT METHODS AND PROCEDURES TO
9 ACCOMPLISH BOTH OF THE FOLLOWING:

10 (A) PROVIDE INDIVIDUALS WITH A CONSPICUOUS OPPORTUNITY,
11 THROUGH A TELEPHONIC OR OTHER AUTOMATED OR EFFICIENT SYSTEM, TO
12 NOTIFY THE SECRETARY OF STATE OF THEIR DESIRE TO PROHIBIT THE
13 DISCLOSURE OF PERSONAL INFORMATION CONCERNING THEM, FOR PURPOSES
14 OF SURVEYS, MARKETING, AND SOLICITATIONS.

15 (B) ENSURE THAT PERSONAL INFORMATION DISCLOSED IN BULK WILL
16 BE USED, RENTED, OR SOLD SOLELY FOR USES PERMITTED UNDER THIS
17 PART, AND THAT SURVEYS, MARKETING, AND SOLICITATIONS WILL NOT BE
18 DIRECTED AT THOSE INDIVIDUALS WHO IN A TIMELY FASHION HAVE
19 REQUESTED THAT SURVEYS, MARKETING, AND SOLICITATIONS NOT BE
20 DIRECTED AT THEM.

21 (4) THE SECRETARY OF STATE MAY INSERT ANY SAFEGUARD THE SEC-
22 RETARY CONSIDERS REASONABLE OR NECESSARY, INCLUDING A BOND
23 REQUIREMENT, IN A MEMORANDUM OF AGREEMENT OR PURCHASE CONTRACT
24 EXECUTED UNDER THIS SECTION, TO ENSURE THAT THE INFORMATION FUR-
25 NISHED OR SOLD IS USED ONLY FOR A PERMISSIBLE USE AND THAT THE
26 RIGHTS OF INDIVIDUALS AND OF THE SECRETARY OF STATE ARE
27 PROTECTED.

1 (5) AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION
2 DISCLOSED UNDER THIS SECTION WHO RESELLS OR REDISCLOSES THE
3 INFORMATION FOR SURVEYS, MARKETING, AND SOLICITATIONS SHALL DO
4 BOTH OF THE FOLLOWING:

5 (A) MAKE AND KEEP FOR A PERIOD OF NOT LESS THAN 5 YEARS
6 RECORDS IDENTIFYING EACH PERSON WHO RECEIVED PERSONAL INFORMATION
7 FROM THE AUTHORIZED RECIPIENT AND THE PERMITTED PURPOSE FOR WHICH
8 IT WAS OBTAINED.

9 (B) ALLOW A REPRESENTATIVE OF THE SECRETARY OF STATE, UPON
10 REQUEST, TO INSPECT AND COPY RECORDS IDENTIFYING EACH PERSON WHO
11 RECEIVED PERSONAL INFORMATION FROM THE AUTHORIZED RECIPIENT AND
12 THE PERMITTED PURPOSE FOR WHICH IT WAS OBTAINED.

13 (6) THE SECRETARY OF STATE SHALL NOT DISCLOSE A LIST BASED
14 ON ORV OPERATION OR SANCTIONS TO A NONGOVERNMENTAL AGENCY,
15 INCLUDING AN INDIVIDUAL.

16 Sec. 81120. (1) ~~Records of the department and the depart-~~
17 ~~ment of state made and kept pursuant to this part shall be public~~
18 ~~records, except as otherwise provided in this part.~~ A PERSON WHO
19 MAKES A FALSE REPRESENTATION OR FALSE CERTIFICATION TO OBTAIN
20 PERSONAL INFORMATION UNDER THIS PART, OR WHO USES PERSONAL INFOR-
21 MATION FOR A PURPOSE OTHER THAN A PERMISSIBLE PURPOSE IDENTIFIED
22 IN SECTION 81114A OR 81114C, IS GUILTY OF A FELONY.

23 (2) A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS
24 SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
25 LESS THAN 2 YEARS OR MORE THAN 7 YEARS, OR BY A FINE OF NOT LESS
26 THAN \$1,500.00 OR MORE THAN \$7,000.00, OR BOTH.

1 (3) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT
2 VIOLATION OF THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY
3 IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE THAN 15 YEARS, OR
4 BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$15,000.00, OR
5 BOTH.

6 Sec. 82101. As used in this part:

7 (a) "Conviction" means a final conviction, the payment of a
8 fine, a plea of guilty or nolo contendere if accepted by the
9 court, or a finding of guilt or probate court disposition on a
10 violation of this part, regardless of whether the penalty is
11 rebated or suspended.

12 (b) "Dealer" means any person engaged in the sale, lease, or
13 rental of snowmobiles as a regular business.

14 (c) "Former section 15a" means section 15a of former ~~Act~~
15 ~~No. 74 of the Public Acts of 1968~~ 1968 PA 74, as constituted
16 prior to May 1, 1994.

17 (D) "HIGHLY RESTRICTED PERSONAL INFORMATION" MEANS AN
18 INDIVIDUAL'S PHOTOGRAPH OR IMAGE, SOCIAL SECURITY NUMBER, DIGI-
19 TIZED SIGNATURE, AND MEDICAL AND DISABILITY INFORMATION.

20 (E) ~~(d)~~ "Highway or street" means the entire width between
21 the boundary lines of every way publicly maintained if any part
22 thereof is open to the use of the public for purposes of vehicu-
23 lar travel.

24 (F) ~~(e)~~ "Law of another state" means a law or ordinance
25 enacted by another state or by a local unit of government in
26 another state.

1 (G) ~~(f)~~ "Long-term incapacitating injury" means an injury
2 that causes a person to be in a comatose, quadriplegic,
3 hemiplegic, or paraplegic state, which state is likely to con-
4 tinue for 1 year or more.

5 (H) ~~(g)~~ "Operate" means to ride in or on and be in actual
6 physical control of the operation of a snowmobile.

7 (I) ~~(h)~~ "Operator" means any person who operates or is in
8 actual physical control of a snowmobile.

9 (J) ~~(i)~~ "Owner" means any of the following:

10 (i) A person who holds the legal title to a snowmobile.

11 (ii) A vendee or lessee of a snowmobile that is the subject
12 of an agreement for conditional sale or lease with the right of
13 purchase upon performance of the conditions stated in the agree-
14 ment and with an immediate right of possession vested in the con-
15 ditional vendee or lessee.

16 (iii) A person renting a snowmobile or having the exclusive
17 use of a snowmobile for more than 30 days.

18 (K) "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES
19 AN INDIVIDUAL, INCLUDING AN INDIVIDUAL'S DRIVER IDENTIFICATION
20 NUMBER, NAME, ADDRESS NOT INCLUDING ZIP CODE, AND TELEPHONE
21 NUMBER, BUT DOES NOT INCLUDE INFORMATION ON SNOWMOBILE OPERATION
22 OR EQUIPMENT-RELATED VIOLATIONS OR CIVIL INFRACTIONS, OPERATOR OR
23 SNOWMOBILE REGISTRATION STATUS, ACCIDENTS, OR OTHER
24 BEHAVIORALLY-RELATED INFORMATION.

25 (l) ~~(j)~~ "Probate court OR FAMILY DIVISION disposition"
26 means the entry of a probate court order of disposition OR FAMILY
27 DIVISION ORDER OF DISPOSITION for a child found to be within the

1 provisions of chapter XIIIA of ~~Act No. 288 of the Public Acts of~~
2 ~~1939, being sections 712A.1 to 712A.28 of the Michigan Compiled~~
3 ~~Laws~~ 1939 PA 288, MCL 712A.1 TO 712A.32.

4 (M) ~~(k)~~ "Prosecuting attorney", except as the context
5 requires otherwise, means the attorney general, the prosecuting
6 attorney of a county, or the attorney representing a local unit
7 of government.

8 (N) ~~(l)~~ "Right-of-way" means that portion of a highway or
9 street less the roadway and any shoulder.

10 (O) ~~(m)~~ "Roadway" means that portion of a highway or
11 street improved, designated, or ordinarily used for vehicular
12 travel. If a highway or street includes 2 or more separate road-
13 ways, the term roadway refers to any such roadway separately, but
14 not to all such roadways collectively.

15 (P) ~~(n)~~ "Shoulder" means that portion of a highway or
16 street on either side of the roadway that is normally snowplowed
17 for the safety and convenience of vehicular traffic.

18 (Q) ~~(o)~~ "Snowmobile" means any motor-driven vehicle
19 designed for travel primarily on snow or ice of a type that uti-
20 lizes sled-type runners or skis, an endless belt tread, or any
21 combination of these or other similar means of contact with the
22 surface upon which it is operated, but is not a vehicle that must
23 be registered under the Michigan vehicle code, ~~Act No. 300 of~~
24 ~~the Public Acts of 1949, being sections 257.1 to 257.923 of the~~
25 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

26 (R) ~~(p)~~ "Zone 1" means all of the Upper Peninsula.

1 (S) ~~(q)~~ "Zone 2" means all of that part of the Lower
2 Peninsula north of a line beginning at and drawn from a point on
3 the Michigan-Wisconsin boundary line due west of the westerly
4 terminus of river road in Muskegon county; thence due east to the
5 westerly terminus of river road; thence north and east along the
6 center line of the river road to its intersection with highway
7 M-120; thence northeasterly and easterly along the center line of
8 highway M-120 to the junction of highway M-20; thence easterly
9 along the center line of M-20 to its junction with US-10 at the
10 Midland-Bay county line; thence easterly along the center line of
11 the "business route" of highway US-10 to the intersection of
12 Garfield road in Bay county; thence north along the center line
13 of Garfield road to the intersection of the Pinconning road;
14 thence east along the center line of Pinconning road to the
15 intersection of the Seven Mile road; thence north along the
16 center of the Seven Mile road to the Bay-Arenac county line;
17 thence north along the center line of the Lincoln School road
18 (county road 25) in Arenac county to the intersection of highway
19 M-61; thence east along the center line of highway M-61 to the
20 junction of highway US-23; thence northerly and easterly along
21 the center line of highway US-23 to the center line of the Au
22 Gres river; thence southerly along the center line of the river
23 to its junction with Saginaw Bay of Lake Huron; thence north 78°
24 east to the international boundary line between the United States
25 and the Dominion of Canada.

26 (T) ~~(r)~~ "Zone 3" means all of that part of the Lower
27 Peninsula south of the line described in subdivision ~~(q)~~ (S).

1 Sec. 82113. (1) The owner of a snowmobile having been
2 issued a certificate of registration for the snowmobile shall
3 attach in a permanent manner to each side of the forward half of
4 the snowmobile the registration decal assigned to that
5 snowmobile.

6 (2) Not earlier than 90 days before the expiration date of a
7 certificate, a registration decal or other device may be issued
8 indicating that the certificate of registration is in full force
9 and effect.

10 (3) A certificate of registration shall expire pursuant to
11 section 82105.

12 (4) The department of state may award a certificate of
13 number directly or may authorize a person to act as its agent for
14 the awarding of a certificate of number.

15 ~~(5) Records of the department of state made or kept pursu-~~
16 ~~ant to this part shall be made available to the public in compli-~~
17 ~~ance with the freedom of information act, Act No. 442 of the~~
18 ~~Public Acts of 1976, being sections 15.231 to 15.246 of the~~
19 ~~Michigan Compiled Laws.~~

20 Sec. 82156. (1) RECORDS MAINTAINED UNDER THIS PART, OTHER
21 THAN THOSE DECLARED TO BE CONFIDENTIAL BY LAW OR WHICH ARE
22 RESTRICTED BY LAW FROM DISCLOSURE TO THE PUBLIC, SHALL BE AVAIL-
23 ABLE TO THE PUBLIC PURSUANT TO PROCEDURES PRESCRIBED IN THIS
24 PART, AND IN THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
25 15.231 TO 15.246.

26 (2) THE SECRETARY OF STATE MAY PROVIDE A COMMERCIAL LOOKUP
27 SERVICE OF SNOWMOBILE OPERATION, TITLE, AND REGISTRATION RECORDS

1 MAINTAINED UNDER THIS PART. THE SECRETARY OF STATE SHALL PROCESS
2 A COMMERCIAL LOOKUP REQUEST ONLY IF THE REQUEST IS IN A FORM OR
3 FORMAT PRESCRIBED BY THE SECRETARY OF STATE. THE SECRETARY OF
4 STATE MAY USE THE REVENUES RECEIVED FROM THE SERVICE FOR NECES-
5 SARY EXPENSES.

6 (3) In order to provide an individual, historical snowmobil-
7 ing record, the secretary of state shall create and maintain a
8 COMPUTERIZED central file that includes the INFORMATION CONTAINED
9 ON APPLICATION FORMS RECEIVED UNDER THIS PART AND THE name of
10 each person who is convicted of an offense, who fails to comply
11 with an order or judgment issued, or against whom an order is
12 entered under this part or former ~~Act No. 74 of the Public Acts~~
13 ~~of 1968~~ 1968 PA 74. THE COMPUTERIZED CENTRAL FILE SHALL BE
14 INTERFACED WITH THE LAW ENFORCEMENT INFORMATION NETWORK AS PRO-
15 VIDED IN THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA 163,
16 MCL 28.211 TO 28.216.

17 (4) THE SECRETARY OF STATE SHALL NOT PROVIDE AN ENTIRE COM-
18 PUTERIZED CENTRAL OR OTHER FILE OF RECORDS MAINTAINED UNDER THIS
19 PART TO A NONGOVERNMENTAL PERSON OR ENTITY, UNLESS THE PURCHASER
20 PAYS THE PRESCRIBED FEE OR PRICE FOR EACH INDIVIDUAL RECORD CON-
21 TAINED WITHIN THE COMPUTERIZED FILE.

22 (5) A certified copy of an order, record, or paper main-
23 tained in this record is admissible in evidence in like manner as
24 the original and is prima facie proof of the facts stated in the
25 original.

26 SEC. 82156A. (1) EXCEPT AS PROVIDED IN THIS SECTION AND IN
27 SECTION 82156C, PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER

1 THIS PART SHALL NOT BE DISCLOSED, UNLESS THE PERSON REQUESTING
2 THE INFORMATION FURNISHES PROOF OF IDENTITY DEEMED SATISFACTORY
3 TO THE SECRETARY OF STATE AND CERTIFIES THAT THE PERSONAL INFOR-
4 MATION REQUESTED WILL BE USED FOR A PERMISSIBLE PURPOSE IDENTI-
5 FIED IN THIS SECTION OR IN SECTION 82156C. NOTWITHSTANDING THIS
6 SECTION, HIGHLY RESTRICTED PERSONAL INFORMATION SHALL BE USED AND
7 DISCLOSED ONLY AS EXPRESSLY PERMITTED BY LAW.

8 (2) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
9 ACT SHALL BE DISCLOSED BY THE SECRETARY OF STATE IF REQUIRED TO
10 CARRY OUT THE PURPOSES OF A SPECIFIED FEDERAL LAW. AS USED IN
11 THIS SECTION, "SPECIFIED FEDERAL LAW" MEANS THE AUTOMOBILE INFOR-
12 MATION DISCLOSURE ACT, PUBLIC LAW 85-506, 15 U.S.C. 1231 TO 1232
13 AND 1233, THE FORMER MOTOR VEHICLE INFORMATION AND COST SAVINGS
14 ACT, PUBLIC LAW 92-513, THE FORMER NATIONAL TRAFFIC AND MOTOR
15 VEHICLE SAFETY ACT OF 1966, PUBLIC LAW 89-563, THE ANTI-CAR THEFT
16 ACT OF 1992, PUBLIC LAW 102-519, 106 STAT. 3384, THE CLEAN AIR
17 ACT, CHAPTER 360, 69 STAT. 322, 42 U.S.C. 7401 TO 7431, 7470 TO
18 7479, 7491 TO 7492, 7501 TO 7509a, 7511 TO 7515, 7521 TO 7525,
19 7541 TO 7545, 7547 TO 7550, 7552 TO 7554, 7571 TO 7574, 7581 TO
20 7590, 7601 TO 7612, 7614 TO 7617, 7619 TO 7622, 7624 TO 7627,
21 7641 TO 7642, 7651 TO 7651o, 7661 TO 7661f, AND 7671 TO 7671q,
22 AND ALL FEDERAL REGULATIONS PROMULGATED TO IMPLEMENT THESE FED-
23 ERAL LAWS.

24 (3) PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS
25 PART MAY BE DISCLOSED AS FOLLOWS:

26 (A) FOR USE BY ANY GOVERNMENT AGENCY, INCLUDING ANY COURT OR
27 LAW ENFORCEMENT AGENCY, IN CARRYING OUT ITS FUNCTIONS, OR ANY

1 PRIVATE PERSON OR ENTITY ACTING ON BEHALF OF A GOVERNMENT AGENCY
2 IN CARRYING OUT ITS FUNCTIONS.

3 (B) FOR USE IN CONNECTION WITH MATTERS OF SNOWMOBILE AND
4 OPERATOR SAFETY OR ORV THEFT; SNOWMOBILE EMISSIONS; SNOWMOBILE
5 PRODUCT ALTERATIONS, RECALLS, OR ADVISORIES; PERFORMANCE MONITOR-
6 ING OF SNOWMOBILES; SNOWMOBILES RESEARCH ACTIVITIES, INCLUDING
7 SURVEY RESEARCH; AND THE REMOVAL OF NONOWNER RECORDS FROM THE
8 ORIGINAL RECORDS OF SNOWMOBILE MANUFACTURERS.

9 (C) FOR USE IN THE NORMAL COURSE OF BUSINESS BY A BUSINESS
10 OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS TO VERIFY THE ACCURACY
11 OF PERSONAL INFORMATION SUBMITTED BY AN INDIVIDUAL TO THE BUSI-
12 NESS OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, AND IF THE INFOR-
13 MATION AS SUBMITTED IS NOT CORRECT OR IS NO LONGER CORRECT, TO
14 OBTAIN THE CORRECT INFORMATION, BUT ONLY FOR THE PURPOSES OF PRE-
15 VENTING FRAUD, BY PURSUING LEGAL REMEDIES AGAINST, OR RECOVERING
16 ON A DEBT OR SECURITY INTEREST AGAINST, THE INDIVIDUAL.

17 (D) FOR USE IN CONNECTION WITH ANY CIVIL, CRIMINAL, ADMINIS-
18 TRATIVE, OR ARBITRAL PROCEEDING IN ANY COURT OR GOVERNMENT AGENCY
19 OR BEFORE ANY SELF-REGULATORY BODY, INCLUDING THE SERVICE OF PRO-
20 CESS, INVESTIGATION IN ANTICIPATION OF LITIGATION, AND THE EXECU-
21 TION OR ENFORCEMENT OF JUDGMENTS AND ORDERS, OR PURSUANT TO AN
22 ORDER OF ANY COURT.

23 (E) FOR USE IN RESEARCH ACTIVITIES, AND FOR USE IN PRODUCING
24 STATISTICAL REPORTS, SO LONG AS THE PERSONAL INFORMATION IS NOT
25 PUBLISHED, REDISCLOSED, OR USED TO CONTACT INDIVIDUALS.

26 (F) FOR USE BY ANY INSURER, SELF-INSURER, OR INSURANCE
27 SUPPORT ORGANIZATION, OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS,

1 IN CONNECTION WITH CLAIMS INVESTIGATION ACTIVITIES, ANTIFRAUD
2 ACTIVITIES, RATING, OR UNDERWRITING.

3 (G) FOR USE IN PROVIDING NOTICE TO THE OWNER OF AN ABAN-
4 DONED, TOWED, OR IMPOUNDED SNOWMOBILE.

5 (H) FOR USE BY ANY LICENSED PRIVATE SECURITY GUARD AGENCY OR
6 ALARM SYSTEM CONTRACTOR LICENSED UNDER THE PRIVATE SECURITY GUARD
7 ACT OF 1968, 1968 PA 330, MCL 338.1051 TO 338.1085, OR A PRIVATE
8 DETECTIVE OR PRIVATE INVESTIGATOR LICENSED UNDER THE PRIVATE
9 DETECTIVE LICENSE ACT OF 1965, 1965 PA 285, MCL 338.821 TO
10 338.851, FOR ANY PURPOSE PERMITTED UNDER THIS SECTION.

11 (I) FOR USE BY AN ORV RENTAL BUSINESS OR ITS EMPLOYEES,
12 AGENTS, CONTRACTORS, OR SERVICE FIRMS FOR THE PURPOSE OF MAKING
13 RENTAL DECISIONS.

14 (J) FOR ANY USE BY A REQUESTER, IF THE REQUESTER HAS
15 OBTAINED WRITTEN CONSENT FROM THE INDIVIDUAL ABOUT WHOM THE
16 INFORMATION PERTAINS AND HAS PROVIDED PROOF OF RECEIPT OF THE
17 WRITTEN CONSENT TO THE SECRETARY OF STATE.

18 SEC. 82156B. (1) AN AUTHORIZED RECIPIENT OF PERSONAL INFOR-
19 MATION DISCLOSED UNDER SECTION 82156A MAY RESELL OR REDISCLOSE
20 THE INFORMATION FOR ANY USE PERMITTED UNDER SECTION 82156A.

21 (2) ANY AUTHORIZED RECIPIENT, EXCEPT A RECIPIENT OF AN INDI-
22 VIDUAL RECORD OR RECORDS UNDER SUBSECTION (4)(B), WHO RESELLS OR
23 REDISCLOSES PERSONAL INFORMATION SHALL BE REQUIRED BY THE SECRE-
24 TARY OF STATE TO MAINTAIN FOR A PERIOD OF NOT LESS THAN 5 YEARS
25 RECORDS AS TO THE INFORMATION OBTAINED AND THE PERMITTED USE FOR
26 WHICH IT WAS OBTAINED, AND TO MAKE SUCH RECORDS AVAILABLE FOR
27 INSPECTION BY THE SECRETARY OF STATE, UPON REQUEST.

1 SEC. 82156C. (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-
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 PRE-
9 PARING AND FURNISHING A LIST PROVIDED UNDER THIS SUBSECTION IF
10 THE COST OF PREPARATION EXCEEDS \$25.00, AND USE THE REVENUES
11 RECEIVED FROM THE SERVICE TO DEFRAY NECESSARY EXPENSES. THE SEC-
12 RETARY OF STATE MAY REQUIRE THE REQUESTING AGENCY TO FURNISH 1 OR
13 MORE BLANK COMPUTER TAPES, CARTRIDGES, OR OTHER ELECTRONIC MEDIA,
14 AND MAY REQUIRE THE AGENCY TO EXECUTE A WRITTEN MEMORANDUM OF
15 AGREEMENT AS A CONDITION OF OBTAINING A LIST OF INFORMATION UNDER
16 THIS SUBSECTION.

17 (2) THE SECRETARY OF STATE MAY CONTRACT FOR THE SALE OF
18 LISTS OF RECORDS MAINTAINED UNDER THIS PART IN BULK, IN ADDITION
19 TO THOSE LISTS DISTRIBUTED AT COST OR AT NO COST UNDER THIS SEC-
20 TION, FOR PURPOSES DEFINED IN SECTION 82156A(3) AS WELL AS FOR
21 SURVEYS, MARKETING, AND SOLICITATIONS. THE SECRETARY OF STATE
22 SHALL REQUIRE EACH PURCHASER OF INFORMATION IN BULK TO EXECUTE A
23 WRITTEN PURCHASE CONTRACT. THE SECRETARY OF STATE SHALL FIX A
24 MARKET-BASED PRICE FOR THE SALE OF LISTS OF BULK INFORMATION,
25 WHICH MAY INCLUDE PERSONAL INFORMATION. THE PROCEEDS FROM EACH
26 SALE SHALL BE USED BY THE SECRETARY OF STATE TO DEFRAY THE COSTS
27 OF LIST PREPARATION AND FOR OTHER NECESSARY OR RELATED EXPENSES.

1 (3) BEFORE SELLING AND FURNISHING ANY LIST OF INFORMATION
2 UNDER SUBSECTION (2) FOR SURVEYS, MARKETING, AND SOLICITATIONS,
3 THE SECRETARY OF STATE SHALL IMPLEMENT METHODS AND PROCEDURES TO
4 ACCOMPLISH BOTH OF THE FOLLOWING:

5 (A) PROVIDE INDIVIDUALS WITH A CONSPICUOUS OPPORTUNITY,
6 THROUGH A TELEPHONIC OR OTHER AUTOMATED OR EFFICIENT SYSTEM, TO
7 NOTIFY THE SECRETARY OF STATE OF THEIR DESIRE TO PROHIBIT THE
8 DISCLOSURE OF PERSONAL INFORMATION CONCERNING THEM, FOR PURPOSES
9 OF SURVEYS, MARKETING, AND SOLICITATIONS.

10 (B) ENSURE THAT PERSONAL INFORMATION DISCLOSED IN BULK WILL
11 BE USED, RENTED, OR SOLD SOLELY FOR USES PERMITTED UNDER THIS
12 PART, AND THAT SURVEYS, MARKETING, AND SOLICITATIONS WILL NOT BE
13 DIRECTED AT THOSE INDIVIDUALS WHO IN A TIMELY FASHION HAVE
14 REQUESTED THAT SURVEYS, MARKETING, AND SOLICITATIONS NOT BE
15 DIRECTED AT THEM.

16 (4) THE SECRETARY OF STATE MAY INSERT ANY SAFEGUARD THE SEC-
17 RETARY CONSIDERS REASONABLE OR NECESSARY, INCLUDING A BOND
18 REQUIREMENT, IN A MEMORANDUM OF AGREEMENT OR PURCHASE CONTRACT
19 EXECUTED UNDER THIS SECTION, TO ENSURE THAT THE INFORMATION FUR-
20 NISHED OR SOLD IS USED ONLY FOR A PERMISSIBLE USE AND THAT THE
21 RIGHTS OF INDIVIDUALS AND OF THE SECRETARY OF STATE ARE
22 PROTECTED.

23 (5) AN AUTHORIZED RECIPIENT OF PERSONAL INFORMATION DIS-
24 CLOSED UNDER THIS SECTION WHO RESELLS OR REDISCLOSES THE INFORMA-
25 TION FOR SURVEYS, MARKETING, AND SOLICITATIONS SHALL DO BOTH OF
26 THE FOLLOWING:

1 (A) MAKE AND KEEP FOR A PERIOD OF NOT LESS THAN 5 YEARS
2 RECORDS IDENTIFYING EACH PERSON WHO RECEIVED PERSONAL INFORMATION
3 FROM THE AUTHORIZED RECIPIENT AND THE PERMITTED PURPOSE FOR WHICH
4 IT WAS OBTAINED.

5 (B) ALLOW A REPRESENTATIVE OF THE SECRETARY OF STATE, UPON
6 REQUEST, TO INSPECT AND COPY RECORDS IDENTIFYING EACH PERSON WHO
7 RECEIVED PERSONAL INFORMATION FROM THE AUTHORIZED RECIPIENT AND
8 THE PERMITTED PURPOSE FOR WHICH IT WAS OBTAINED.

9 (6) THE SECRETARY OF STATE SHALL NOT DISCLOSE A LIST BASED
10 ON SNOWMOBILE OPERATION OR SANCTIONS TO A NONGOVERNMENTAL AGENCY,
11 INCLUDING AN INDIVIDUAL.

12 SEC. 82160. (1) A PERSON WHO MAKES A FALSE REPRESENTATION
13 OR FALSE CERTIFICATION TO OBTAIN PERSONAL INFORMATION UNDER THIS
14 PART, OR WHO USES PERSONAL INFORMATION FOR A PURPOSE OTHER THAN A
15 PERMISSIBLE PURPOSE IDENTIFIED IN SECTION 82156A OR 82156C, IS
16 GUILTY OF A FELONY.

17 (2) A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS
18 SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
19 LESS THAN 2 YEARS OR MORE THAN 7 YEARS, OR BY A FINE OF NOT LESS
20 THAN \$1,500.00 OR MORE THAN \$7,000.00, OR BOTH.

21 (3) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIO-
22 LATION OF THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY
23 IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE THAN 15 YEARS, OR
24 BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$15,000.00, OR
25 BOTH.

26 Enacting section 1. This amendatory act takes effect July
27 1, 1997.