

SENATE BILL No. 621

October 15, 2013, Introduced by Senator HILDENBRAND and referred to the Committee on Economic Development.

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 section 8 (MCL 28.298), as amended by 2008 PA 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Except as provided in this section and in section
2 10, personal information in a record maintained under this act
3 shall not be disclosed, unless the person requesting the
4 information furnishes proof of identity satisfactory to the
5 secretary of state and certifies that the personal information
6 requested will be used for a permissible purpose identified in this
7 section or in section 10. Highly restricted personal information

1 shall be used and disclosed only as expressly permitted in section
2 2 or in another applicable provision of law.

3 (2) Personal information in a record maintained under this act
4 shall be disclosed by the secretary of state if required to carry
5 out the purposes of a specified federal law. As used in this
6 section, "specified federal law" means the automobile information
7 disclosure act, 15 USC 1231 to 1233, the former motor vehicle
8 information and cost savings act, Public Law 92-513, the former
9 national traffic and motor vehicle safety act of 1966, Public Law
10 89-563, the anti-car theft act of 1992, Public Law 102-519, the
11 clean air act, chapter 360, 69 Stat. 322, and all federal
12 regulations promulgated to implement these federal laws.

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

15 (a) For use by a federal, state, or local governmental agency,
16 including a court or law enforcement agency, in carrying out the
17 agency's functions, or by a private person or entity acting on
18 behalf of a governmental agency in carrying out the agency's
19 functions.

20 (b) For use in connection with matters of motor vehicle and
21 driver safety or auto theft; motor vehicle emissions; motor vehicle
22 product alterations, recalls, or advisories; performance monitoring
23 of motor vehicles; motor vehicle market research activities,
24 including survey research; and the removal of nonowner records from
25 the original records of motor vehicle manufacturers.

26 (c) For use in the normal course of business by a legitimate
27 business, including the agents, employees, and contractors of the

1 business, but only to verify the accuracy of personal information
2 submitted by an individual to the business or its agents,
3 employees, or contractors, and if the information as so submitted
4 is no longer correct, to obtain the correct information, for the
5 sole purpose of preventing fraud by pursuing legal remedies
6 against, or recovering on a debt against, the individual.

7 (d) For use in connection with a civil, criminal,
8 administrative, or arbitral proceeding in a federal, state, or
9 local court or governmental agency or before a self-regulatory
10 body, including use for service of process, investigation in
11 anticipation of litigation, and the execution or enforcement of
12 judgments and orders, or pursuant to an order of a federal, state,
13 or local court, an administrative agency, or a self-regulatory
14 body.

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

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

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

25 (h) For use either by a private detective or private
26 investigator licensed under the ~~private detective license act,~~
27 **PROFESSIONAL INVESTIGATOR LICENSURE ACT**, 1965 PA 285, MCL 338.821

1 to 338.851, ~~or by a private security guard agency or alarm system~~
2 ~~contractor licensed under the private security business and~~
3 ~~security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083,~~
4 **338.1092, OR BY A SYSTEM PROVIDER REGISTERED UNDER THE SECURITY**
5 **ALARM SYSTEMS ACT, 2012 PA 580, MCL 338.2181 TO 338.2187,** only for
6 a purpose permitted under this section.

7 (i) For use by an employer, or the employer's agent or
8 insurer, to obtain or verify information relating either to the
9 holder of a commercial driver license that is required under the
10 commercial motor vehicle safety act of 1986, Public Law 99-570, or
11 to the holder of a chauffeur's license that is required under
12 chapter 3 of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to
13 257.329.

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

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

24 (l) For any use by an individual requesting information
25 pertaining to himself or herself or requesting in writing that the
26 secretary of state provide information pertaining to himself or
27 herself to the individual's designee. A request for disclosure to a

1 designee, however, may be submitted only by the individual.

2 (4) Copies or images of source documents retained by the
3 secretary of state under section 1 of this act and section 5 of the
4 enhanced driver license and enhanced official state personal
5 identification card act, **2008 PA 23**, MCL 28.305, may be used and
6 disclosed for the purposes of subsection (3)(a) and (l).

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 619

9 of the 97th Legislature is enacted into law.