



HOUSE BILL No. 5863

May 30, 2000, Introduced by Reps. DeHart, Kelly and Hale and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208c (MCL 257.208c), as added by 1997 PA 100.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208c. (1) Except as provided in this section and in
2 section 232, personal information in a record maintained under
3 this act shall not be disclosed, unless the person requesting the
4 information furnishes proof of identity satisfactory to the sec-
5 retary of state and certifies that the personal information
6 requested will be used for a permissible purpose identified in
7 this section or in section 232. However, highly restricted per-
8 sonal information shall be used and disclosed only as expressly
9 permitted in section 307 or as otherwise expressly provided by
10 law.

1 (2) Personal information in a record maintained under this
2 act shall be disclosed by the secretary of state if required to
3 carry out the purposes of federal law or federal regulations.

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

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

11 (b) For use in connection with matters of motor vehicle and
12 driver safety or auto theft; motor vehicle emissions; motor vehi-
13 cle product alterations, recalls, or advisories; performance mon-
14 itoring of motor vehicles; motor vehicle market research activi-
15 ties, including survey research; and the removal of nonowner
16 records from the original records of motor vehicle
17 manufacturers.

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

26 (d) For use in connection with a civil, criminal,
27 administrative, or arbitration proceeding in a federal, state, or

1 local court or governmental agency or before a self-regulatory
2 body, including use for service of process, investigation in
3 anticipation of litigation, and the execution or enforcement of
4 judgments and orders, or pursuant to an order of a federal,
5 state, or local court, an administrative agency, or a
6 self-regulatory body.

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

12 (f) For use by an insurer or insurance support organization,
13 or by a self-insured entity, or its agents, employees, or con-
14 tractors, in connection with ~~claims investigating activity,~~
15 antifraud activity ~~,~~ OR rating. ~~,~~ or underwriting.

16 (g) For use in providing notice to the owner of an aban-
17 doned, towed, or impounded vehicle.

18 (h) For use either by a private detective or private inves-
19 tigator licensed under the private detective license act of 1965,
20 1965 PA 285, MCL 338.821 to 338.851, or by a private security
21 guard agency or alarm system contractor licensed under the pri-
22 vate security guard act of 1968, 1968 PA 330, MCL 338.1051 to
23 338.1085, only for a purpose permitted under this section.

24 (i) For use by an employer, or the employer's agent or
25 insurer, to obtain or verify information relating either to the
26 holder of a commercial driver license that is required under

1 federal law or to the holder of a chauffeur's license that is
2 required under chapter 3.

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

6 (k) For use in connection with the operation of private toll
7 transportation facilities.

8 (l) For use by a news medium in the preparation and dissemi-
9 nation of a report related in part or in whole to the operation
10 of a motor vehicle or public safety. "News medium" includes a
11 newspaper, a magazine or periodical published at regular inter-
12 vals, a news service, a broadcast network, a television station,
13 a radio station, a cablecaster, or an entity employed by any of
14 the foregoing.

15 (m) For any use by an individual requesting information per-
16 taining to himself or herself or requesting in writing that the
17 secretary of state provide information pertaining to himself or
18 herself to the individual's designee. A request for disclosure
19 to a designee, however, may be submitted only by the individual.