

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 315**

1 **AN ACT** *to repeal* 341.17 (9) (d), 343.235 (4) and 343.24 (4) (d); *to renumber and*
2 *amend* 23.16 (3), 23.165 (4) and 85.105; *to amend* 341.08 (1m), 341.17 (9) (a)
3 3., 341.17 (9) (b), 341.17 (9) (c) 3., 341.17 (9) (c) 4., 341.17 (9) (e), 341.17 (9) (f)
4 1. and 2., 343.14 (2m), 343.235 (1) (c), 343.235 (2), 343.235 (3) (b), 343.235 (5),
5 343.235 (6) (a) and (b), 343.24 (4) (a) 3., 343.24 (4) (b), 343.24 (4) (c) 2., 343.24
6 (4) (e), 343.24 (4) (f) 1. and 2., 343.50 (4) and 343.51 (1m); *to repeal and*
7 *recreate* 342.06 (1) (i); and *to create* 23.16 (3) (b), 23.165 (4) (b), 23.45, 85.103,
8 85.105 (2) and 440.14 of the statutes; **relating to:** the disclosure of personal
9 identifiers by the department of transportation, the department of natural
10 resources and the department of regulation and licensing, granting
11 rule-making authority and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.16 (3) of the statutes is renumbered 23.16 (3) (intro.) and
2 amended to read:

3 **23.16 (3) SUBSCRIBER LISTS.** (intro.) The department may refuse to reveal
4 names and addresses of persons on any magazine or periodical subscriber list. The
5 department may charge a fee to recover the actual costs for providing or for the use
6 of any magazine or periodical subscriber list. The department may not reveal names
7 and addresses of persons as prohibited under s. 23.45 (4). No person who obtains or
8 uses any magazine or periodical subscriber list from the department may refer to the
9 department, the magazine or the periodical as the source of names or addresses
10 unless the person clearly ~~indicates~~ states that the provision of, or permission to use,
11 the subscriber list in no way indicates ~~the~~ any of the following:

12 (a) ~~The~~ department's knowledge, involvement, ~~approval, authorization~~ or
13 connection with the person or the person's activities.

14 **SECTION 1c.** 23.16 (3) (b) of the statutes is created to read:

15 **23.16 (3) (b)** The department's knowledge, approval or authorization of the
16 person's activities.

17 **SECTION 1g.** 23.165 (4) of the statutes is renumbered 23.165 (4) (intro.) and
18 amended to read:

19 **23.165 (4) SUBSCRIBER LISTS.** (intro.) ~~Notwithstanding s. 19.35, the~~ The
20 department may refuse to reveal names and addresses of persons on any publication
21 subscriber list. The department may not reveal names and addresses as prohibited
22 under s. 23.45 (5). The department may charge a fee to recover the actual costs for
23 providing or for the use of a publication subscriber list. No person who obtains or uses
24 a publication subscriber list from the department may refer to the department or the
25 publication as the source of names or addresses unless the person clearly ~~indicates~~

1 states that the provision of, or permission to use, the subscriber list in no way
2 indicates the any of the following:

3 (a) The department's ~~knowledge, involvement, approval, authorization~~ or
4 connection with the person or the person's activities.

5 **SECTION 1n.** 23.165 (4) (b) of the statutes is created to read:

6 23.165 **(4)** (b) The department's knowledge, approval or authorization of the
7 person's activities.

8 **SECTION 1r.** 23.45 of the statutes is created to read:

9 **23.45 Nondisclosure of certain personal information. (1)** In this section:

10 (a) "Approval" means any type of approval or authorization issued by the
11 department including a license, permit, certificate, card stamp or tag.

12 (b) "List" means information compiled or maintained by the department that
13 contains the personal identifiers of 10 or more individuals.

14 (c) "Personal identifier" means a name, social security number, telephone
15 number, street address, post-office box number or 9-digit extended zip code.

16 **(2)** If a form that the department requires an individual to complete in order
17 to obtain an approval or other privilege from the department or to obtain a product
18 or service from the department requires the individual to provide any of the
19 individual's personal identifiers, the form shall include a place for the individual to
20 declare that the individual's personal identifiers obtained by the department from
21 the information on the form may not be disclosed on any list that the department
22 furnishes to another person.

23 **(3)** If the department requires an individual to provide, by telephone or other
24 electronic means, any of the individual's personal identifiers in order to obtain an
25 approval or other privilege from the department or to obtain a product or service from

1 the department, the department shall ask the individual at the time that the
2 individual provides the information if the individual wants to declare that the
3 individual's personal identifiers obtained by telephone or other electronic means
4 may not be disclosed on any list that the department furnishes to another person.

5 (4) The department shall provide to an individual upon request a form that
6 includes a place for the individual to declare that the individual's personal identifiers
7 obtained by the department may not be disclosed on any list that the department
8 furnishes to another person.

9 (5) (a) The department may not disclose on any list that it furnishes to another
10 person a personal identifier of any individual who has made a declaration under sub.
11 (2), (3) or (4).

12 (b) Paragraph (a) does not apply to a list that the department furnishes to
13 another state agency, a law enforcement agency or a federal governmental agency.
14 A state agency that receives a list from the department containing a personal
15 identifier of any individual who has made a declaration under sub. (2), (3) or (4) may
16 not disclose the personal identifier to any person other than a state agency, a law
17 enforcement agency or a federal governmental agency.

18 **SECTION 1w.** 85.103 of the statutes is created to read:

19 **85.103 Disclosure of personal identifiers. (1)** In this section, "personal
20 identifier" means a name, social security number, telephone number, street address,
21 post-office box number or 9-digit extended zip code.

22 (2) The department shall include on any form for application for original
23 registration under s. 341.08, for application for renewal of registration under s.
24 341.08, for application for a certificate of title under s. 342.06, for application for a
25 license or identification card or renewal of a license or identification card under s.

1 343.14 and for application for a special identification card under s. 343.51, a place
2 for the individual to designate that the individual's personal identifiers may not be
3 disclosed in information compiled or maintained by the department that contains the
4 personal identifiers of 10 or more individuals, a statement indicating the effect of
5 making such a designation and a place for an applicant or registrant who has made
6 a designation under this subsection or sub. (3) to reverse the designation.

7 **(3)** The department shall provide to an individual upon request a form that
8 includes a place for the individual to designate that the individual's personal
9 identifiers may not be disclosed in information compiled or maintained by the
10 department that contains the personal identifiers of 10 or more individuals, a
11 statement indicating the effect of making such a designation and a place for an
12 applicant or registrant who has made a designation under this subsection or sub. (2)
13 to reverse the designation.

14 **(4)** The department shall treat a designation made under s. 341.08 (1m), 1997
15 stats., s. 342.06 (1) (i), 1997 stats., s. 343.14 (2m), 1997 stats., or s. 343.51 (1m), 1997
16 stats., as if the designation were made under sub. (2) or (3).

17 **(5)** In providing a person with any information that is collected or prepared by
18 the department and that consists in whole or in part of the personal identifiers of 10
19 or more persons, the department may not disclose the personal identifier of any
20 person who has made a designation under sub. (2) or (3), except as provided in sub.
21 (6).

22 **(6)** The department may disclose the personal identifier of any person who has
23 made a designation under sub. (2) or (3) if the department discloses the personal
24 identifier under s. 341.17 (9), 343.235, 343.24 (3) and (4) or 343.245 (3m).

1 **(7)** (a) The department shall establish by rule a reasonable period for
2 complying with designations made under subs. (2) and (3).

3 (b) If an unanticipated number of designations result in the department not
4 being able to comply with a reasonable effort with designations made under subs. (2)
5 and (3) within the period established by the department under par. (a), the
6 department may establish the temporary extension by rule, using the procedure
7 under s. 227.24.

8 **SECTION 2.** 85.105 of the statutes is renumbered 85.105 (1) and amended to
9 read:

10 **85.105 (1)** Notwithstanding s. 343.24 (2m), the department may contract with
11 a person to periodically furnish that person with any records on computer tape or
12 other electronic media that contain information from files of motor vehicle accidents
13 or uniform traffic citations and ~~which~~ that were produced for or developed by the
14 department for purposes related to maintenance of the operating record file data
15 base. The department and the person desiring to contract with the department shall
16 make a good faith effort to negotiate the purchase price for the records to be provided
17 under this section.

18 **SECTION 3.** 85.105 (2) of the statutes is created to read:

19 **85.105 (2)** Beginning with contracts entered into, extended, modified or
20 renewed on the effective date of this subsection ... [revisor inserts date], in providing
21 information under this section that contains the personal identifiers, as defined in
22 s. 85.103 (1), of 10 or more individuals, the department may not include a personal
23 identifier of any person who has made a designation under s. 85.103 (2) or (3).

24 **SECTION 4.** 341.08 (1m) of the statutes is amended to read:

1 **341.08 (1m)** The forms for application for original registration and for renewal
2 of registration under sub. (1) ~~or another form provided by the department shall~~
3 ~~include a place for an applicant or registrant under this chapter who is a natural~~
4 ~~person to designate that the applicant's or registrant's name, street address,~~
5 ~~post-office box number and 9-digit extended zip code may not be disclosed as~~
6 ~~provided in s. 341.17 (9) a statement indicating the effect of making such a~~
7 ~~designation and a place for an applicant or registrant who has made a designation~~
8 ~~under this subsection to reverse the designation the information required under s.~~
9 ~~85.103 (2).~~

10 **SECTION 4r.** 341.17 (9) (a) 3. of the statutes is amended to read:

11 **341.17 (9)** (a) 3. “Personal identifier” ~~means a name, street address, post-office~~
12 ~~box number or 9-digit extended zip code has the meaning given in s. 85.103 (1).~~

13 **SECTION 5.** 341.17 (9) (b) of the statutes is amended to read:

14 **341.17 (9)** (b) In providing copies under this section or s. 19.35 (1) (a) of any
15 written information collected or prepared under this chapter or ch. 342 which
16 consists in whole or in part of the personal identifiers of 10 or more persons, the
17 department may not disclose a personal identifier of any person who has made a
18 designation under s. ~~341.08 (1m) or 342.06 (1) (i) that his or her personal identifiers~~
19 ~~may not be disclosed as provided in this subsection 85.103 (2) or (3).~~

20 **SECTION 6.** 341.17 (9) (c) 3. of the statutes is amended to read:

21 **341.17 (9)** (c) 3. An insurer authorized to write property and casualty or life,
22 disability or long-term care insurance in this state or an agent of the insurer, if the
23 insurer or agent uses the personal identifiers designated for nondisclosure under s.
24 ~~341.08 (1m) or 342.06 (1) (i) 85.103 (2) or (3)~~ for purposes of issuing or renewing a
25 policy and related underwriting, billing or processing or paying a claim.

1 Notwithstanding par. (e), no insurer, or agent of an insurer, may disclose to another
2 person for marketing purposes any personal identifier received under this
3 subdivision.

4 **SECTION 7.** 341.17 (9) (c) 4. of the statutes is amended to read:

5 341.17 (9) (c) 4. A person obtaining registration or title information for use in
6 the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the
7 manufacturer, if the person uses the personal identifiers designated for
8 nondisclosure under s. ~~341.08 (1m) or 342.06 (1) (i)~~ 85.103 (2) or (3) for vehicle recalls.

9 Notwithstanding par. (e), no person receiving a personal identifier under this
10 subdivision may disclose the personal identifier to another person for marketing
11 purposes.

12 **SECTION 8.** 341.17 (9) (d) of the statutes is repealed.

13 **SECTION 9.** 341.17 (9) (e) of the statutes is amended to read:

14 341.17 (9) (e) Any person who has received under par. (c) a personal identifier
15 of any person who has made a designation under s. ~~341.08 (1m) or 342.06 (1) (i)~~
16 85.103 (2) or (3) shall keep the personal identifier confidential and may not disclose
17 it except for a purpose applicable to that person under par. (c).

18 **SECTION 9m.** 341.17 (9) (f) 1. and 2. of the statutes are amended to read:

19 341.17 (9) (f) 1. Any person who ~~wilfully~~ discloses a personal identifier in
20 violation of this subsection may be required to forfeit not more than \$500 for each
21 violation.

22 2. Any person who ~~wilfully~~ requests or obtains a personal identifier from the
23 department under this subsection under false pretenses may be required to forfeit
24 not more than \$500 for each violation.

25 **SECTION 10.** 342.06 (1) (i) of the statutes is repealed and recreated to read:

1 342.06 (1) (i) The information required under s. 85.103 (2).

2 **SECTION 11.** 343.14 (2m) of the statutes is amended to read:

3 343.14 (2m) The forms for application for a license or identification card or for
4 renewal thereof ~~or another form provided by the department shall include a place for~~
5 ~~an applicant, licensee or identification card holder to designate that his or her name,~~
6 ~~street address, post-office box number and 9-digit extended zip code may not be~~
7 ~~disclosed as provided in s. 343.235 or 343.24 (4), a statement indicating the effect of~~
8 ~~making such a designation and a place for an applicant, licensee or identification~~
9 ~~card holder who has made a designation under this subsection to reverse the~~
10 ~~designation the information required under s. 85.103 (2).~~

11 **SECTION 11r.** 343.235 (1) (c) of the statutes is amended to read:

12 343.235 (1) (c) “Personal identifier” means a name, street address, post-office
13 ~~box number or 9-digit extended zip code~~ has the meaning given in s. 85.103 (1).

14 **SECTION 12.** 343.235 (2) of the statutes is amended to read:

15 343.235 (2) In providing copies under s. 19.35 (1) (a) of any written information
16 collected or prepared under this chapter which consists in whole or in part of the
17 personal identifiers of 10 or more persons, the department may not disclose a
18 personal identifier of any person who has made a designation under s. 343.14 (2m)
19 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
20 ~~in this section 85.103 (2) or (3).~~

21 **SECTION 13.** 343.235 (3) (b) of the statutes is amended to read:

22 343.235 (3) (b) An insurer authorized to write property and casualty or life,
23 disability or long-term care insurance in this state or an agent of the insurer, if the
24 insurer or agent uses the personal identifiers for purposes of issuing or renewing a
25 policy and related underwriting, billing or processing or paying a claim.

1 Notwithstanding sub. (5), no insurer, or agent of an insurer, may disclose to another
2 person for marketing purposes any personal identifier received under this
3 paragraph.

4 **SECTION 14.** 343.235 (4) of the statutes is repealed.

5 **SECTION 15.** 343.235 (5) of the statutes is amended to read:

6 343.235 (5) Any person who has received under sub. (3) a personal identifier
7 of any person who has made a designation under s. ~~343.14 (2m) or 343.51 (1m)~~ 85.103
8 (2) or (3) shall keep the personal identifier confidential and may not disclose it except
9 for a purpose applicable to that person under sub. (3).

10 **SECTION 15m.** 343.235 (6) (a) and (b) of the statutes are amended to read:

11 343.235 (6) (a) Any person who ~~wilfully~~ discloses a personal identifier in
12 violation of this section may be required to forfeit not more than \$500 for each
13 violation.

14 (b) Any person who ~~wilfully~~ requests or obtains a personal identifier from the
15 department under this section under false pretenses may be required to forfeit not
16 more than \$500 for each violation.

17 **SECTION 15r.** 343.24 (4) (a) 3. of the statutes is amended to read:

18 343.24 (4) (a) 3. “Personal identifier” ~~means a name, street address, post-office~~
19 ~~box number or 9-digit extended zip code~~ has the meaning given in s. 85.103 (1).

20 **SECTION 16.** 343.24 (4) (b) of the statutes is amended to read:

21 343.24 (4) (b) In furnishing 10 or more operating records to a person under sub.
22 (1) or (2m), the department may not disclose a personal identifier of any person who
23 has made a designation under s. ~~343.14 (2m)~~ that his or her personal identifiers may
24 not be released as provided in this subsection 85.103 (2) or (3).

25 **SECTION 17.** 343.24 (4) (c) 2. of the statutes is amended to read:

1 343.24 (4) (c) 2. An insurer authorized to write property and casualty or life,
2 disability or long-term care insurance in this state or an agent of the insurer, if the
3 insurer or agent uses the names or addresses for purposes of issuing or renewing a
4 policy and related underwriting, billing or processing or paying a claim.
5 Notwithstanding par. (e), no insurer, or agent of an insurer, may disclose to another
6 person for marketing purposes any personal identifier received under this
7 subdivision.

8 **SECTION 18.** 343.24 (4) (d) of the statutes is repealed.

9 **SECTION 19.** 343.24 (4) (e) of the statutes is amended to read:

10 343.24 (4) (e) Any person who has received under par. (c) a personal identifier
11 of any person who has made a designation under s. ~~343.14 (2m)~~ 85.103 (2) or (3) shall
12 keep the personal identifier confidential and may not disclose it except for a purpose
13 applicable to that person under par. (c).

14 **SECTION 19g.** 343.24 (4) (f) 1. and 2. of the statutes are amended to read:

15 343.24 (4) (f) 1. Any person who wilfully discloses a personal identifier in
16 violation of this subsection may be required to forfeit not more than \$500 for each
17 violation.

18 2. Any person who wilfully requests or obtains a personal identifier from the
19 department under this subsection under false pretenses may be required to forfeit
20 not more than \$500 for each violation.

21 **SECTION 20.** 343.50 (4) of the statutes is amended to read:

22 343.50 (4) APPLICATION. The application for an identification card shall include
23 the information required under s. ss. 85.103 (2) and 343.14 (2) (a) and (b) and (2m),
24 such further information as the department may reasonably require to enable it to
25 determine whether the applicant is entitled by law to an identification card and, for

1 applicants who are aged 65 years or older, material, as provided by the department,
2 explaining the voluntary program that is specified in s. 71.55 (10) (b). The
3 department shall, as part of the application process, take a photograph of the
4 applicant to comply with sub. (3). No application may be processed without the
5 photograph being taken. Misrepresentations are punishable as provided in s. 343.14
6 (5).

7 **SECTION 21.** 343.51 (1m) of the statutes is amended to read:

8 343.51 **(1m)** The form for application for a special identification card under sub.
9 (1) ~~or another form provided by the department shall include a place for an applicant~~
10 ~~or special identification card holder who is a natural person to designate that his or~~
11 ~~her name, street address, post-office box number and 9-digit extended zip code may~~
12 ~~not be disclosed as provided under s. 343.235, a statement indicating the effect of~~
13 ~~making such a designation and a place for an applicant or special identification card~~
14 ~~holder who has made a designation under this subsection to reverse the designation~~
15 the information required under s. 85.103 (2).

16 **SECTION 21m.** 440.14 of the statutes is created to read:

17 **440.14 Nondisclosure of certain personal information.** (1) In this
18 section:

19 (a) “List” means information compiled or maintained by the department or a
20 credentialing board that contains the personal identifiers of 10 or more individuals.

21 (b) “Personal identifier” means a name, social security number, telephone
22 number, street address, post-office box number or 9-digit extended zip code.

23 **(2)** If a form that the department or a credentialing board requires an
24 individual to complete in order to apply for a credential or credential renewal or to
25 obtain a product or service from the department or the credentialing board requires

1 the individual to provide any of the individual's personal identifiers, the form shall
2 include a place for the individual to declare that the individual's personal identifiers
3 obtained by the department or the credentialing board from the information on the
4 form may not be disclosed on any list that the department or the credentialing board
5 furnishes to another person.

6 **(3)** If the department or a credentialing board requires an individual to
7 provide, by telephone or other electronic means, any of the individual's personal
8 identifiers in order to apply for a credential or credential renewal or to obtain a
9 product or service from the department or a credentialing board, the department or
10 the credentialing board shall ask the individual at the time that the individual
11 provides the information if the individual wants to declare that the individual's
12 personal identifiers obtained by telephone or other electronic means may not be
13 disclosed on any list that the department or the credentialing board furnishes to
14 another person.

15 **(4)** The department or a credentialing board shall provide to an individual upon
16 request a form that includes a place for the individual to declare that the individual's
17 personal identifiers obtained by the department or credentialing board may not be
18 disclosed on any list that the department or credentialing board furnishes to another
19 person.

20 **(5) (a)** The department or a credentialing board may not disclose on any list
21 that it furnishes to another person a personal identifier of any individual who has
22 made a declaration under sub. (2), (3) or (4).

23 **(b)** Paragraph (a) does not apply to a list that the department or a credentialing
24 board furnishes to another state agency, a law enforcement agency or a federal
25 governmental agency. A state agency that receives a list from the department or a

1 credentialing board containing a personal identifier of any individual who has made
2 a declaration under sub. (2), (3) or (4) may not disclose the personal identifier to any
3 person other than a state agency, a law enforcement agency or a federal
4 governmental agency.

5 **SECTION 22. Initial applicability.**

6 (1) The treatment of section 23.45 (5) of the statutes first applies to lists
7 furnished by the department of natural resources on the effective date of this
8 subsection.

9 (2) The treatment of sections 85.103 (5) and (6), 341.17 (9) (b), 343.235 (2) and
10 343.24 (4) (b) of the statutes first applies to requests for information received by the
11 department of transportation on the effective date of this subsection.

12 (3) The treatment of sections 341.17 (9) (c) 3. and 4. and (f) 1. and 2., 343.235
13 (3) (b) and (6) (a) and (b) and 343.24 (4) (c) 2. and (f) 1. and 2. first applies to personal
14 identifiers disclosed by the department of transportation on the effective date of this
15 subsection.

16 (4) The treatment of section 440.14 of the statutes first applies to lists furnished
17 by the department of regulation and licensing or a credentialing board, as defined
18 in section 440.01 (2) (bm) of the statutes, on the effective date of this subsection.

19 **SECTION 23. Effective date.**

20 (1) This act takes effect on the first day of the 6th month beginning after
21 publication.

22 (END)