

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0115/1dn
ISR:cmh:km

September 8, 1999

Representative Foti:

This substitute amendment to AB-315 requires DOT to include on any form that requires an individual to provide his or her personal identifiers a place for the individual to designate that his or her personal identifiers not be disclosed in lists containing the personal identifiers of 10 or more persons.

This amendment continues to allow DOT to release the personal identifiers of any individual, regardless of whether the individual requests that his or her information not be disclosed, in the following situations:

1. DOT may disclose personal identifiers that are collected under chs. 341 to 343 or that are contained in registration lists, abstracts of operating records, the operating record file data base or files of uniform traffic citations to law enforcement agencies, state authorities or federal government agencies if the personal identifiers are used to perform a legally authorized function. DOT may also disclose these personal identifiers to insurers for the purposes of issuing or renewing a policy, underwriting, billing or paying a claim.

2. DOT may also disclose personal identifiers collected under ch. 341 or 342 to persons conducting motor vehicle recalls or to county clerks, sheriffs, chiefs of police, village clerks or the department of revenue if the personal identifiers are used to perform a legally authorized function.

3. Finally, DOT may disclose the personal identifiers of commercial motor vehicle drivers to an employer under the employer notification program.

Are there any other situations in which you want to allow the disclosure of an individual's personal identifiers in lists of 10 or more people even if the individual has "opted out" of disclosure? For example, under s. 85.105, stats., DOT may contract with a person to furnish that person with records that contain information from files of motor vehicle accidents or traffic citations. I do not know who currently contracts with DOT under this section. Under this substitute amendment, a person who contracts with DOT under s. 85.105, stats., will not receive the personal identifiers of a person who designates his or her personal identifiers for nondisclosure. There are no exceptions. OK?

Note that this substitute amendment allows DOT to promulgate rules establishing a time period for complying with nondisclosure requests and to extend the time period

using emergency rule-making procedures. Current law authorizes DOT to establish a time period for compliance with the current "opt-out" provisions. OK?

Please review this substitute amendment carefully to make sure it achieves your intent. If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us