

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB315)

Received: **08/30/1999**

Received By: **isagerro**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Michael**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses
Transportation - miscellaneous
Transportation - motor vehicles
State Government - privacy
State Government - public record**

Extra Copies: **PEN
TNF**

Pre Topic:

No specific pre topic given

Topic:

Personal identifiers; require DOT to give choice of release on registration all forms

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	isagerro 09/07/1999	chanaman 09/07/1999	martykr 09/08/1999	_____	lrb_docadmin 09/08/1999	lrb_docadmin 09/08/1999	
/2	isagerro 09/13/1999	chanaman 09/13/1999	jfrantze 09/13/1999	_____	lrb_docadmin 09/13/1999	lrb_docadmin 09/13/1999	
/3	isagerro 09/14/1999	chanaman 09/14/1999	kfollet 09/14/1999	_____	lrb_docadmin 09/14/1999	lrb_docadmin 09/14/1999	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/2	isagerro 09/13/1999	chanaman 09/13/1999	jfrantze 09/13/1999	_____	lrb_docadmin 09/13/1999	lrb_docadmin 09/13/1999	

FE Sent For:

*cmr
9/14
/s* *KJF
9/14* *KJF/JF
9/14*

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FE Sent For:

cmh
9/13
12
Jb 9/13
Jb me
9/13
<ENDS>

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1?	isagerro	cmh a/n /1	km/7	*6 km/8			

FE Sent For:

<END>

(6-2101)

* Michael, aide to Rep Foti 8/26/99 @ 9:00 am

- sub to AB315

- require DOT to put on all forms that collect information a place to designate that ~~any~~ their p.i.'s not be released.

* Convers. w/ Michael 8/30/99 @ 2:30 pm

- require box on all forms that collect information

- Keep the current exceptions for insurers, veh. recalls, etc.

- similar to application for driver's license now



Wisconsin Legislature



Assembly Majority Leader Steve Foti

Date: 8-30-99

To: Fuy Sager-Rosenthal Fax: _____

From: Mike H. Re: _____

Pages: 2 w/cover

Urgent For Review Per Your Request Please Reply

● Comments:

Fuy -
Per our conversation.

Thanks -
MHA

WISCONSIN OPERATOR LICENSE APPLICATION INSTRUCTIONS

Wisconsin Department of Transportation

APPLICANT INFORMATION

All applicants - complete sections B and C. If under age 18, sections B, C, and D must be completed. If applying for a commercial driver license, complete sections B, C, and E. Have your Federal Medical Certificate to show examiner if you meet the requirements of 49 Code of Federal Regulations 391.

DONOR You may choose to be recorded as a potential organ donor. Answer the donor question in section B. Your response will be recorded on your driver file. The purpose of maintaining the record of potential donors is to more easily determine whether a person is a potential donor in the event of death. Your response to the donor question will not affect the issuance of your license in any way. A "yes" response does not in itself authorize an anatomical gift. To effectively indicate your desire to make an anatomical gift: 1. Sign the back of your operator's license/identification card; 2. Let your closest relative know of your desire to make an anatomical gift.

ADA The Wisconsin Department of Transportation complies with the Americans with Disabilities Act (ADA).

SOCIAL SECURITY NUMBER (SSN) Anyone applying for a Wisconsin operator's license must furnish his/her SSN. This is required by s.343.14(2)(b) Wisconsin Statutes and the U. S. Commercial Motor Vehicle Safety Act of 1986 P.L. 99-570. The Federal government has authorized use of the SSN for driver licensing. The department and other agencies may use the SSN for purposes authorized by law. The number must correspond with the number issued to the applicant by the U. S. Social Security Administration. It will also be used to link your driver license and vehicle registration records.

WARNING Any person who, on applying for an operator's license, presents fraudulent or altered documents or makes a false statement to the issuing officer or agency, may be subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, and revocation of operator's license privilege for one year.

RELEASE OF INFORMATION The Department uses information provided to issue driver licenses in Wisconsin, collect fees and enforce laws. Under Wisconsin open records law and s.341.17(9) Wis. Stats., the department may make nonconfidential information available to others for business purposes. If you want your name and address withheld from vehicle records requesters, complete and return form MV3592 or call (608) 266-1466 for more information.

SECTION A - COMPLETED BY DOT EMPLOYEE

Form with fields: Date, Badge Number, Application Type (ORG, RNW, DUP, REI, RSM, AMD, COA), License Type (REGI, CDLI, CYCI, SPRI, JUVI, MPDI, PROB, RGLR, OCCL, SPRR, JUVF, NON), Visual Acuity (Right/Left Eye, With/Without RX), Endorsements (F, H, N, P, S, T), Federal Medical Certificate Shown (YES/NO), Restraints (K, L), Amount (\$), Other Restrictions (Skills Test Number, Highway Signs, Knowledge). Includes Examiner Signature and Badge Number.

SECTION B

APPLICANT - PLEASE PRINT

Form with fields: Wisconsin Driver License Number, Expiration Date, Social Security Number, Former Name, Applicant Name, Mailing Address, Residence Address, City, State, Zip Code, Country, County of Residence, Birthdate, Sex, Race, Eyes, Hair, Weight, Height, License application questions, and signature/declaration area.

WISCONSIN OPERATOR LICENSE APPLICATION MV3001 499 Ch. 343 Wisconsin Statutes



ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 315

✓
Drote
Thurs 9/9/99 am
←

see cat

1 AN ACT ...; relating to: the disclosure of personal identifiers by the department
2 of transportation and granting rule-making authority.

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

3 SECTION 1. 85.103 of the statutes is created to read:

4 85.103 Disclosure of personal identifiers. (1) In this section, "personal
5 identifier" means a name, street address, post-office box number or 9-digit extended
6 zip code.

7 (2) The department shall include on any form that requires an individual to
8 provide the department with any of the individual's personal identifiers a place for
9 the individual to designate that the individual's personal identifiers may not be
10 disclosed in information compiled or maintained by the department that contains the
11 personal identifiers of 10 or more individuals, a statement indicating the effect of

1 making such a designation and a place for an applicant or registrant who has made
2 a designation under this subsection or sub. (3) to reverse the designation.

3 (3) The department shall provide to an individual upon request a form that
4 includes a place for the individual to designate that any of the individual's personal
5 identifiers that the department obtained prior to the effective date of this subsection
6 [revisor inserts date], may not be disclosed in information compiled or maintained
7 by the department that contains the personal identifiers of 10 or more individuals,
8 a statement indicating the effect of making such a designation and a place for an
9 applicant or registrant who has made a designation under this subsection or sub. (2)
10 to reverse the designation.

11 (4) The department shall treat a designation made under s. 341.08 (1m), 1997
12 stats., s. 342.06 (1) (i), 1997 stats., 343.14 (2m), 1997 stats., or s. 343.51 (1m), 1997
13 stats., as if the designation ~~was~~ made under sub. (2) or (3).
14 ^{s.}
^{were}

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

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

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

25 (b) If an unanticipated number of designations results in the department not
being able to comply with a reasonable effort with designations made under subs. (2)

1 and (3) within the period established by the department under par. (a), the
2 department may establish the temporary extension by rule, using the procedure
3 under s. 227.24.

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

6 85.105 (1) Notwithstanding s. 343.24 (2m), the department may contract with
7 a person to periodically furnish that person with any records on computer tape or
8 other electronic media that contain information from files of motor vehicle accidents
9 or uniform traffic citations and ~~which~~ that were produced for or developed by the
10 department for purposes related to maintenance of the operating record file data
11 base. The department and the person desiring to contract with the department shall
12 make a good faith effort to negotiate the purchase price for the records to be provided
13 under this section.

History: 1997 a. 27 s. 5504, 5505; Stats. 1997 s. 85.105.

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

15 85.105 (2) Beginning with contracts entered into, extended, modified or
16 renewed on the effective date of this ^{sub} ~~section~~ ^{repeal} [revisor inserts date], in providing
17 information under this section that contains the personal identifiers, as defined in
18 s. 85.103 (1), of 10 or more individuals, the department may not include a personal
19 identifier of any person who has made a designation under s. 85.103 (2) or (3).

20 **SECTION 4.** 341.08 (1m) of the statutes is repealed.

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

22 341.17 (9) (b) In providing copies under this section or s. 19.35 (1) (a) of any
23 written information collected or prepared under this chapter or ch. 342 which
24 consists in whole or in part of the personal identifiers of 10 or more persons, the

1 department may not disclose a personal identifier of any person who has made a
2 designation under s. ~~341.08 (1m)~~ or ~~342.06 (1) (i)~~ that his or her personal identifiers
3 may not be disclosed as provided in this subsection ~~85.103 (2) or (3)~~.

4 History: 1971 c. 164; 1977 c. 29 ss. 1422, 1654 (7) (a), (e); ~~1977~~ c. 273; 1979 c. 221; 1985 a. 202; 1987 a. 217; 1991 a. 269; 1997 a. 27.

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

5 341.17 (9) (c) 3. An insurer authorized to write property and casualty insurance
6 in this state or an agent of the insurer, if the insurer or agent uses the personal
7 identifiers designated for nondisclosure under s. ~~341.08 (1m)~~ or ~~342.06 (1) (i)~~ 85.103
8 (2) or (3) for purposes of issuing or renewing a policy and related underwriting,
9 billing or processing or paying a claim.

10 History: 1971 c. 164; 1977 c. 29 ss. 1422, 1654 (7) (a), (e); ~~1977~~ c. 273; 1979 c. 221; 1985 a. 202; 1987 a. 217; 1991 a. 269; 1997 a. 27.

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

11 341.17 (9) (c) 4. A person obtaining registration or title information for use in
12 the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the
13 manufacturer, if the person uses the personal identifiers designated for
14 nondisclosure under s. ~~341.08 (1m)~~ or ~~342.06 (1) (i)~~ s. 85.103 (2) or (3) for vehicle
15 recalls.

16 History: 1971 c. 164; 1977 c. 29 ss. 1422, 1654 (7) (a), (e); ~~1977~~ c. 273; 1979 c. 221; 1985 a. 202; 1987 a. 217; 1991 a. 269; 1997 a. 27.

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

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

18 341.17 (9) (e) Any person who has received under par. (c) a personal identifier
19 of any person who has made a designation under s. ~~341.08 (1m)~~ or ~~342.06 (1) (i)~~
20 85.103 (2) or (3) shall keep the personal identifier confidential and may not disclose
21 it except for a purpose applicable to that person under par. (c).

22 History: 1971 c. 164; 1977 c. 29 ss. 1422, 1654 (7) (a), (e); ~~1977~~ c. 273; 1979 c. 221; 1985 a. 202; 1987 a. 217; 1991 a. 269; 1997 a. 27.

22 **SECTION 10.** 342.06 (1) (i) of the statutes is repealed.

23 **SECTION 11.** 343.14 (2m) of the statutes is repealed.

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

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

8 History: 1991 a. 269.

8 **SECTION 13.** 343.235 (4) of the statutes is repealed.

9 **SECTION 14.** 343.235 (5) of the statutes is amended to read:

10 343.235 (5) Any person who has received under sub. (3) a personal identifier
11 of any person who has made a designation under s. ~~343.14 (2m)~~ or ~~343.51 (1m)~~ 85.103
12 (2) or (3) shall keep the personal identifier confidential and may not disclose it except
13 for a purpose applicable to that person under sub. (3).

14 History: 1991 a. 269.

14 **SECTION 15.** 343.24 (4) (b) of the statutes is amended to read:

15 343.24 (4) (b) In furnishing 10 or more operating records to a person under sub.
16 (1) or (2m), the department may not disclose a personal identifier of any person who
17 has made a designation under s. ~~343.14 (2m)~~ that his or her personal identifiers may
18 not be released as provided in this subsection 85.103 (2) or (3).

19 History: 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 164 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113.

19 **SECTION 16.** 343.24 (4) (d) of the statutes is repealed.

20 **SECTION 17.** 343.24 (4) (e) of the statutes is amended to read:

21 343.24 (4) (e) Any person who has received under par. (c) a personal identifier
22 of any person who has made a designation under s. ~~343.14 (2m)~~ 85.103 (2) or (3) shall

1 keep the personal identifier confidential and may not disclose it except for a purpose
2 applicable to that person under par. (c).

3 **History:** 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113.

3 **SECTION 18.** 343.50 (4) of the statutes is amended to read:

4 343.50 (4) APPLICATION. The application for an identification card shall include
5 the information required under s. ss. 85.103 (2) and (3) and 343.14 (2) (a) and (b) and
6 (~~2m~~), such further information as the department may reasonably require to enable
7 it to determine whether the applicant is entitled by law to an identification card and,
8 for applicants who are aged 65 years or older, material, as provided by the
9 department, explaining the voluntary program that is specified in s. 71.55 (10) (b).
10 The department shall, as part of the application process, take a photograph of the
11 applicant to comply with sub. (3). No application may be processed without the
12 photograph being taken. Misrepresentations are punishable as provided in s. 343.14
13 (5).

14 **History:** 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191;
s. 13.93 (2) (c).

14 **SECTION 19.** 343.51 (1m) of the statutes is repealed.

15 **SECTION 20. Initial applicability.**

16 (1) The treatment of sections 85.103 (5) and (6), 341.17 (9) (b), 343.235 (2) and
17 343.24 (4) (b) of the statutes first applies to requests for information received by the
18 department of transportation on the effective date of this subsection.

19 **SECTION 21. Effective date.**

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

22

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0115/1dn
ISR.....

CMH

September 7, 1999

✓
Representative Foti:

This substitute amendment to AB315 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 ~~the department~~^{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. ~~The department~~^{DOT} may disclose personal identifiers that are collected under ch. 341 to 343 or that are contained in registration lists, abstracts of operating records, the operating record file database 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. ~~The department~~^{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. ~~The department~~^{DOT} may also disclose personal identifiers collected under chs. 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, ~~the department~~^{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 ~~their~~^{his or her} personal identifiers for non-disclosure. There are no exceptions. OK?

Note that this substitute amendment allows DOT to promulgate rules establishing a time period for complying with non-disclosure 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

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:

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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.

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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

* Mike, aide to Rep. Foti 9/13/99

- allow life, disability: long-term care
insurer same exemption as
property: casualty



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0115/1
ISR:cmh:km

RMRun

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 315

Today
9/13/99

repeal
cost

1 AN ACT *to repeal* 341.08 (1m), 341.17 (9) (d), 342.06 (1) (i), 343.14 (2m), 343.235
2 (4), 343.24 (4) (d) and 343.51 (1m); *to renumber and amend* 85.105; *to amend*
3 341.17 (9) (b), 341.17 (9) (c) 3., 341.17 (9) (c) 4., 341.17 (9) (e), 343.235 (2),
4 343.235 (5), 343.24 (4) (b), 343.24 (4) (e) and 343.50 (4); and *to create* 85.103
5 and 85.105 (2) of the statutes; **relating to:** the disclosure of personal identifiers
6 by the department of transportation and granting rule-making authority.

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

7 SECTION 1. 85.103 of the statutes is created to read:

8 **85.103 Disclosure of personal identifiers.** (1) In this section, "personal
9 identifier" means a name, street address, post-office box number or 9-digit extended
10 zip code.

11 (2) The department shall include on any form that requires an individual to
12 provide the department with any of the individual's personal identifiers a place for

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

6 (3) The department shall provide to an individual upon request a form that
7 includes a place for the individual to designate that any of the individual's personal
8 identifiers that the department obtained prior to the effective date of this subsection
9 [revisor inserts date], may not be disclosed in information compiled or maintained
10 by the department that contains the personal identifiers of 10 or more individuals,
11 a 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, ⁽²⁾ 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 repealed.

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

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

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

8 341.17 (9) (c) 3. An insurer authorized to write property and casualty insurance
9 in this state or an agent of the insurer, if the insurer or agent uses the personal
10 identifiers designated for nondisclosure under s. ~~341.08 (1m) or 342.06 (1) (i)~~ 85.103
11 (2) or (3) for purposes of issuing or renewing a policy and related underwriting,
12 billing or processing or paying a claim.

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

14 341.17 (9) (c) 4. A person obtaining registration or title information for use in
15 the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the
16 manufacturer, if the person uses the personal identifiers designated for
17 nondisclosure under s. ~~341.08 (1m) or 342.06 (1) (i)~~ 85.103 (2) or (3) for vehicle recalls.

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

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

20 341.17 (9) (e) Any person who has received under par. (c) a personal identifier
21 of any person who has made a designation under s. ~~341.08 (1m) or 342.06 (1) (i)~~
22 85.103 (2) or (3) shall keep the personal identifier confidential and may not disclose
23 it except for a purpose applicable to that person under par. (c).

24 **SECTION 10.** 342.06 (1) (i) of the statutes is repealed.

25 **SECTION 11.** 343.14 (2m) of the statutes is repealed.

or life, disability
or long-term
care

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

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

* →

8 ~~in this section 85.103 (2) or (3).~~
9 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
10 ~~in this section 85.103 (2) or (3).~~
11 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
12 ~~in this section 85.103 (2) or (3).~~
13 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
14 ~~in this section 85.103 (2) or (3).~~
15 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
16 ~~in this section 85.103 (2) or (3).~~
17 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
18 ~~in this section 85.103 (2) or (3).~~
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 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
22 ~~in this section 85.103 (2) or (3).~~
23 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
24 ~~in this section 85.103 (2) or (3).~~
25 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
in this section 85.103 (2) or (3).

8 SECTION 13. 343.235 (4) of the statutes is repealed.

9 SECTION 14. 343.235 (5) of the statutes is amended to read:

10 343.235 (5) Any person who has received under sub. (3) a personal identifier
11 of any person who has made a designation under s. ~~343.14 (2m) or 343.51 (1m)~~ 85.103
12 (2) or (3) shall keep the personal identifier confidential and may not disclose it except
13 for a purpose applicable to that person under sub. (3).

14 SECTION 15. 343.24 (4) (b) of the statutes is amended to read:

15 343.24 (4) (b) In furnishing 10 or more operating records to a person under sub.
16 (1) or (2m), the department may not disclose a personal identifier of any person who
17 has made a designation under s. ~~343.14 (2m) that his or her personal identifiers may~~
18 ~~not be released as provided in this subsection 85.103 (2) or (3).~~

* →

19 ~~not be released as provided in this subsection 85.103 (2) or (3).~~
20 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
21 ~~in this section 85.103 (2) or (3).~~
22 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
23 ~~in this section 85.103 (2) or (3).~~
24 ~~or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided~~
25 ~~in this section 85.103 (2) or (3).~~
SECTION 16. 343.24 (4) (d) of the statutes is repealed.

20 SECTION 17. 343.24 (4) (e) of the statutes is amended to read:

21 343.24 (4) (e) Any person who has received under par. (c) a personal identifier
22 of any person who has made a designation under s. ~~343.14 (2m)~~ 85.103 (2) or (3) shall
23 keep the personal identifier confidential and may not disclose it except for a purpose
24 applicable to that person under par. (c).

25 SECTION 18. 343.50 (4) of the statutes is amended to read:

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FROM THE
LEGISLATIVE REFERENCE BUREAU

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Insert 5-7 ✓

SECTION 1. 343.235 (3) (b) of the statutes is amended to read:

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

History: 1991 a. 269.

Insert 5-18 ✓

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

343.24 (4) (c) 2. An insurer authorized to write property and casualty or life, disability or long-term care insurance in this state or an agent of the insurer, if the insurer or agent uses the names or addresses for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim. ✓

History: 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113.

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

Nov
9/14/99

Senat

1 **AN ACT to repeal** 341.08 (1m), 341.17 (9) (d), 342.06 (1) (i), 343.14 (2m), 343.235
2 (4), 343.24 (4) (d) and 343.51 (1m); **to renumber and amend** 85.105; **to amend**
3 341.17 (9) (b), 341.17 (9) (c) 3., 341.17 (9) (c) 4., 341.17 (9) (e), 343.235 (2),
4 343.235 (3) (b), 343.235 (5), 343.24 (4) (b), 343.24 (4) (c) 2., 343.24 (4) (e) and
5 343.50 (4); and **to create** 85.103 and 85.105 (2) of the statutes; **relating to:** the
6 disclosure of personal identifiers by the department of transportation and
7 granting rule-making authority.

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

8 **SECTION 1.** 85.103 of the statutes is created to read:
9 **85.103 Disclosure of personal identifiers.** (1) In this section, "personal
10 identifier" means a name, street address, post-office box number or 9-digit extended
11 zip code.

for application for original registration under s. 341.08, for a ~~SECTION~~ ^{SECTION} for renewal of registration under s. 341.08, for application for a certificate of title under s. 342.06, for application for a license or identification card or renewal of a license or identification

1 (2) The department shall include on any form that requires an individual to
2 provide the department with any of the individual's personal identifiers a place for
3 the individual to designate that the individual's personal identifiers may not be
4 disclosed in information compiled or maintained by the department that contains the
5 personal identifiers of 10 or more individuals, a statement indicating the effect of
6 making such a designation and a place for an applicant or registrant who has made
7 a designation under this subsection or sub. (3) to reverse the designation.

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

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

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

23 (6).

card under s. 343.14 and for application for a special identification card under s. 343.51,

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

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

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

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

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

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

22 85.105 (2) Beginning with contracts entered into, extended, modified or
23 renewed on the effective date of this subsection [revisor inserts date], in providing
24 information under this section that contains the personal identifiers, as defined in

1 s. 85.103 (1), of 10 or more individuals, the department may not include a personal
2 identifier of any person who has made a designation under s. 85.103 (2) or (3).

3 ~~SECTION 4. 341.08 (1m) of the statutes is repealed.~~

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

5 341.17 (9) (b) In providing copies under this section or s. 19.35 (1) (a) of any
6 written information collected or prepared under this chapter or ch. 342 which
7 consists in whole or in part of the personal identifiers of 10 or more persons, the
8 department may not disclose a personal identifier of any person who has made a
9 designation under s. ~~341.08 (1m) or 342.06 (1) (i) that his or her personal identifiers~~
10 ~~may not be disclosed as provided in this subsection~~ 85.103 (2) or (3).

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

12 341.17 (9) (c) 3. An insurer authorized to write property and casualty or life,
13 disability or long-term care insurance in this state or an agent of the insurer, if the
14 insurer or agent uses the personal identifiers designated for nondisclosure under s.
15 ~~341.08 (1m) or 342.06 (1) (i)~~ 85.103 (2) or (3) for purposes of issuing or renewing a
16 policy and related underwriting, billing or processing or paying a claim.

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

18 341.17 (9) (c) 4. A person obtaining registration or title information for use in
19 the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the
20 manufacturer, if the person uses the personal identifiers designated for
21 nondisclosure under s. ~~341.08 (1m) or 342.06 (1) (i)~~ 85.103 (2) or (3) for vehicle recalls.

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

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

24 341.17 (9) (e) Any person who has received under par. (c) a personal identifier
25 of any person who has made a designation under s. ~~341.08 (1m) or 342.06 (1) (i)~~

1 85.103 (2) or (3) shall keep the personal identifier confidential and may not disclose
2 it except for a purpose applicable to that person under par. (c).

3 ~~SECTION 10. 342.06 (1) (f) of the statutes is repealed.~~

4 ~~SECTION 11. 343.14 (2m) of the statutes is repealed.~~

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

6 343.235 (2) In providing copies under s. 19.35 (1) (a) of any written information
7 collected or prepared under this chapter which consists in whole or in part of the
8 personal identifiers of 10 or more persons, the department may not disclose a
9 personal identifier of any person who has made a designation under s. 343.14 (2m)
10 or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided
11 in this section 85.103 (2) or (3).

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

13 343.235 (3) (b) An insurer authorized to write property and casualty or life,
14 disability or long-term care insurance in this state or an agent of the insurer, if the
15 insurer or agent uses the personal identifiers for purposes of issuing or renewing a
16 policy and related underwriting, billing or processing or paying a claim.

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

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

19 343.235 (5) Any person who has received under sub. (3) a personal identifier
20 of any person who has made a designation under s. 343.14 (2m) or 343.51 (1m) 85.103
21 (2) or (3) shall keep the personal identifier confidential and may not disclose it except
22 for a purpose applicable to that person under sub. (3).

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

24 343.24 (4) (b) In furnishing 10 or more operating records to a person under sub.
25 (1) or (2m), the department may not disclose a personal identifier of any person who

1 has made a designation under s. 343.14 (2m) that his or her personal identifiers may
2 not be released as provided in this subsection 85.103 (2) or (3).

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

4 343.24 (4) (c) 2. An insurer authorized to write property and casualty or life,
5 disability or long-term care insurance in this state or an agent of the insurer, if the
6 insurer or agent uses the names or addresses for purposes of issuing or renewing a
7 policy and related underwriting, billing or processing or paying a claim.

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

15 343.50 (4) APPLICATION. The application for an identification card shall include
16 the information required under s. ~~ss. 85.103 (2) and (3)~~ and 343.14 (2) (a) and (b) and
17 (2m), such further information as the department may reasonably require to enable
18 it to determine whether the applicant is entitled by law to an identification card and,
19 for applicants who are aged 65 years or older, material, as provided by the
20 department, explaining the voluntary program that is specified in s. 71.55 (10) (b).
21 The department shall, as part of the application process, take a photograph of the
22 applicant to comply with sub. (3). No application may be processed without the
23 photograph being taken. Misrepresentations are punishable as provided in s. 343.14
24 (5).

25 ~~SECTION 21. 343.51 (1m) of the statutes is repealed.~~

* → Insert 6-25

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FROM THE
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SECTION 1. 341.08 (1m) of the statutes is amended to read:

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

History: 1971 c. 164; 1973 c. 218; 1975 c. 94; 1977 c. 29 ss. 1414, 1654 (7) (a); 1979 c. 34; 1981 c. 165; 1983 a. 180; 1987 a. 349; 1991 a. 13, 269, 316; 1995 a. 255, 338; 1997 a. 27.

Insert 5-3

SECTION 2. 342.06 (1) (i) of the statutes is ~~amended~~ ^{repealed and recreated} to read:

342.06 (1) (i) ~~A place for an applicant who is a natural person to designate that the applicant's name, street address, post office box number and 9 digit extended zip code may not be disclosed as provided in s. 341.17 (9), a statement indicating the effect of making such a designation and a place for an applicant who has made a designation under this paragraph to reverse the designation. The department may provide for these designations and statement on an alternative form or in an automated format~~ The information required under s. 85.103 (2).

SECTION 3. 343.14 (2m) of the statutes is amended to read:

343.14 (2m) The forms for application for a license or identification card or for renewal thereof ~~or another form provided by the department shall include a place for~~

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~~an applicant, licensee or identification card holder to designate that his or her name, street address, post office box number and 9 digit extended zip code may not be disclosed as provided in s. 343.235 or 343.24 (4), a statement indicating the effect of making such a designation and a place for an applicant, licensee or identification card holder who has made a designation under this subsection to reverse the designation~~ the information required under s. 85.103 (2).

History: 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 124, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 227; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 105, 294, 298, 359; 1991 a. 269; 1993 a. 363; 1995 a. 113; 1997 a. 27, 119, 191.

Insert 6-25

SECTION 4. 343.51 (1m) of the statutes is amended to read:

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Text

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

History: 1979 c. 276; 1981 c. 119, 255; 1985 a. 87 s. 5; 1985 a. 202, 332; 1987 a. 19; 1989 a. 304; 1991 a. 240, 269; 1993 a. 16; 1995 a. 147; 1997 a. 27, 67, 252.

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