

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

January 25, 2000 – Offered by PRIVACY, ELECTRONIC COMMERCE AND FINANCIAL INSTITUTIONS.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 7: delete that line and substitute “of transportation, the
4 department of natural resources and the department of regulation and licensing,
5 granting rule-making authority and providing a penalty.”.

6 **2.** Page 1, line 8: before that line insert:

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

9 23.16 **(3)** SUBSCRIBER LISTS. (intro.) The department may refuse to reveal
10 names and addresses of persons on any magazine or periodical subscriber list. The
11 department may charge a fee to recover the actual costs for providing or for the use
12 of any magazine or periodical subscriber list. The department may not reveal names
13 and addresses of persons as prohibited under s. 23.45 (4). No person who obtains or

1 uses any magazine or periodical subscriber list from the department may refer to the
2 department, the magazine or the periodical as the source of names or addresses
3 unless the person clearly ~~indicates~~ states that the provision of, or permission to use,
4 the subscriber list in no way indicates ~~the~~ any of the following:

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

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

8 23.16 **(3)** (b) The department's knowledge, approval or authorization of the
9 person's activities.

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

12 23.165 **(4)** SUBSCRIBER LISTS. (intro.) ~~Notwithstanding s. 19.35, the~~ The
13 department may refuse to reveal names and addresses of persons on any publication
14 subscriber list. The department may not reveal names and addresses as prohibited
15 under s. 23.45 (5). The department may charge a fee to recover the actual costs for
16 providing or for the use of a publication subscriber list. No person who obtains or uses
17 a publication subscriber list from the department may refer to the department or the
18 publication as the source of names or addresses unless the person clearly ~~indicates~~
19 states that the provision of, or permission to use, the subscriber list in no way
20 indicates ~~the~~ any of the following:

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

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

24 23.165 **(4)** (b) The department's knowledge, approval or authorization of the
25 person's activities.

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

2 **23.45 Nondisclosure of certain personal information. (1)** In this section:

3 (a) “Approval” means any type of approval or authorization issued by the
4 department including a license, permit, certificate, card stamp or tag.

5 (b) “List” means information compiled or maintained by the department that
6 contains the personal identifiers of 10 or more individuals.

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

9 **(2)** If a form that the department requires an individual to complete in order
10 to obtain an approval or other privilege from the department or to obtain a product
11 or service from the department requires the individual to provide any of the
12 individual’s personal identifiers, the form shall include a place for the individual to
13 declare that the individual’s personal identifiers obtained by the department from
14 the information on the form may not be disclosed on any list that the department
15 furnishes to another person.

16 **(3)** If the department requires an individual to provide, by telephone or other
17 electronic means, any of the individual’s personal identifiers in order to obtain an
18 approval or other privilege from the department or to obtain a product or service from
19 the department, the department shall ask the individual at the time that the
20 individual provides the information if the individual wants to declare that the
21 individual’s personal identifiers obtained by telephone or other electronic means
22 may not be disclosed on any list that the department furnishes to another person.

23 **(4)** The department shall provide to an individual upon request a form that
24 includes a place for the individual to declare that the individual’s personal identifiers

1 obtained by the department may not be disclosed on any list that the department
2 furnishes to another person.

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

6 (b) Paragraph (a) does not apply to a list that the department furnishes to
7 another state agency, a law enforcement agency or a federal governmental agency.
8 A state agency that receives a list from the department containing a personal
9 identifier of any individual who has made a declaration under sub. (2), (3) or (4) may
10 not disclose the personal identifier to any person other than a state agency, a law
11 enforcement agency or a federal governmental agency.”.

12 **3.** Page 1, line 8: delete “SECTION 1” and substitute “SECTION 1w”.

13 **4.** Page 1, line 10: after “name,” insert “social security number, telephone
14 number,”.

15 **5.** Page 3, line 3: delete “(2)”.

16 **6.** Page 4, line 12: after that line insert:

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

18 341.17 (9) (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 **7.** Page 4, line 25: after “claim.” insert “Notwithstanding par. (e), no insurer,
21 or agent of an insurer, may disclose to another person for marketing purposes any
22 personal identifier received under this subdivision.”.

1 **8.** Page 5, line 5: after “recalls.” insert “Notwithstanding par. (e), no person
2 receiving a personal identifier under this subdivision may disclose the personal
3 identifier to another person for marketing purposes.”.

4 **9.** Page 5, line 11: after that line insert:

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

6 341.17 **(9)** (f) 1. Any person who wilfully discloses a personal identifier in
7 violation of this subsection may be required to forfeit not more than \$500 for each
8 violation.

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

12 **10.** Page 5, line 22: after that line insert:

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

14 343.235 **(1)** (c) “Personal identifier” ~~means a name, street address, post-office~~
15 ~~box number or 9-digit extended zip code~~ has the meaning given in s. 85.103 (1).”.

16 **11.** Page 6, line 9: after “claim.” insert “Notwithstanding sub. (5), no insurer,
17 or agent of an insurer, may disclose to another person for marketing purposes any
18 personal identifier received under this paragraph.”.

19 **12.** Page 6, line 15: after that line insert:

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

21 343.235 **(6)** (a) Any person who wilfully discloses a personal identifier in
22 violation of this section may be required to forfeit not more than \$500 for each
23 violation.

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

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

5 343.24 (4) (a) 3. “Personal identifier” ~~means a name, street address, post-office~~
6 ~~box number or 9-digit extended zip code~~ has the meaning given in s. 85.103 (1).”.

7 **13.** Page 6, line 25: after “claim.” insert “Notwithstanding par. (e), no insurer,
8 or agent of an insurer, may disclose to another person for marketing purposes any
9 personal identifier received under this subdivision.”.

10 **14.** Page 7, line 6: after that line insert:

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

12 343.24 (4) (f) 1. Any person who wilfully discloses a personal identifier in
13 violation of this subsection may be required to forfeit not more than \$500 for each
14 violation.

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

18 **15.** Page 8, line 2: after that line insert:

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

20 **440.14 Nondisclosure of certain personal information. (1)** In this
21 section:

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

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

3 **(2)** If a form that the department or a credentialing board requires an
4 individual to complete in order to apply for a credential or credential renewal or to
5 obtain a product or service from the department or the credentialing board requires
6 the individual to provide any of the individual’s personal identifiers, the form shall
7 include a place for the individual to declare that the individual’s personal identifiers
8 obtained by the department or the credentialing board from the information on the
9 form may not be disclosed on any list that the department or the credentialing board
10 furnishes to another person.

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

20 **(4)** The department or a credentialing board shall provide to an individual upon
21 request a form that includes a place for the individual to declare that the individual’s
22 personal identifiers obtained by the department or credentialing board may not be
23 disclosed on any list that the department or credentialing board furnishes to another
24 person.

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

4 (b) Paragraph (a) does not apply to a list that the department or a credentialing
5 board furnishes to another state agency, a law enforcement agency or a federal
6 governmental agency. A state agency that receives a list from the department or a
7 credentialing board containing a personal identifier of any individual who has made
8 a declaration under sub. (2), (3) or (4) may not disclose the personal identifier to any
9 person other than a state agency, a law enforcement agency or a federal
10 governmental agency.”.

11 **16.** Page 8, line 3: after that line insert:

12 “(1) The treatment of section 23.45 (5) of the statutes first applies to lists
13 furnished by the department of natural resources on the effective date of this
14 subsection.”.

15 **17.** Page 8, line 4: delete “(1)” and substitute:

16 “(2)”.

17 **18.** Page 8, line 6: after that line insert:

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

