



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0115/3
ISR:cmh:kjf

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

September 14, 1999 – Offered by COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY.

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

1 **(2)** The department shall include on any form for application for original
2 registration under s. 341.08, for application for renewal of registration under s.
3 341.08, for application for a certificate of title under s. 342.06, for application for a
4 license or identification card or renewal of a license or identification card under s.
5 343.14 and for application for a special identification card under s. 343.51, a place
6 for the individual to designate that the individual’s personal identifiers may not be
7 disclosed in information compiled or maintained by the department that contains the
8 personal identifiers of 10 or more individuals, a statement indicating the effect of
9 making such a designation and a place for an applicant or registrant who has made
10 a designation under this subsection or sub. (3) to reverse the designation.

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

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

21 **(5)** In providing a person with any information that is collected or prepared by
22 the department and that consists in whole or in part of the personal identifiers of 10
23 or more persons, the department may not disclose the personal identifier of any
24 person who has made a designation under sub. (2) or (3), except as provided in sub.
25 (6).

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 amended to read:

4 341.08 **(1m)** The forms for application for original registration and for renewal
5 of registration under sub. (1) ~~or another form provided by the department shall~~
6 include a place for an applicant or registrant under this chapter who is a natural
7 person to designate that the applicant's or registrant's name, street address,
8 post-office box number and 9-digit extended zip code may not be disclosed as
9 provided in s. 341.17 (9) a statement indicating the effect of making such a
10 designation and a place for an applicant or registrant who has made a designation
11 under this subsection to reverse the designation the information required under s.
12 85.103 (2).

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

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

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

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

8 341.17 **(9)** (e) Any person who has received under par. (c) a personal identifier
9 of any person who has made a designation under s. ~~341.08 (1m) or 342.06 (1) (i)~~
10 85.103 (2) or (3) shall keep the personal identifier confidential and may not disclose
11 it except for a purpose applicable to that person under par. (c).

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

13 342.06 **(1)** (i) The information required under s. 85.103 (2).

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

15 343.14 **(2m)** The forms for application for a license or identification card or for
16 renewal thereof ~~or another form provided by the department~~ shall include a place for
17 an applicant, licensee or identification card holder to designate that his or her name,
18 street address, post-office box number and 9-digit extended zip code may not be
19 disclosed as provided in s. ~~343.235 or 343.24 (4)~~, a statement indicating the effect of
20 making such a designation and a place for an applicant, licensee or identification
21 card holder who has made a designation under this subsection to reverse the
22 designation the information required under s. 85.103 (2).

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

24 343.235 **(2)** In providing copies under s. 19.35 (1) (a) of any written information
25 collected or prepared under this chapter which consists in whole or in part of the

1 personal identifiers of 10 or more persons, the department may not disclose a
2 personal identifier of any person who has made a designation under s. 343.14 (2m)
3 or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided
4 in this section 85.103 (2) or (3).

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

6 343.235 (3) (b) An insurer authorized to write property and casualty or life,
7 disability or long-term care insurance in this state or an agent of the insurer, if the
8 insurer or agent uses the personal identifiers for purposes of issuing or renewing a
9 policy and related underwriting, billing or processing or paying a claim.

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

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

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

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

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

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

22 343.24 (4) (c) 2. 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 names or addresses for purposes of issuing or renewing a
25 policy and related underwriting, billing or processing or paying a claim.

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

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

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

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

8 343.50 (4) APPLICATION. The application for an identification card shall include
9 the information required under s. ss. 85.103 (2) and 343.14 (2) (a) and (b) and (2m),
10 such further information as the department may reasonably require to enable it to
11 determine whether the applicant is entitled by law to an identification card and, for
12 applicants who are aged 65 years or older, material, as provided by the department,
13 explaining the voluntary program that is specified in s. 71.55 (10) (b). The
14 department shall, as part of the application process, take a photograph of the
15 applicant to comply with sub. (3). No application may be processed without the
16 photograph being taken. Misrepresentations are punishable as provided in s. 343.14
17 (5).

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

19 343.51 (1m) The form for application for a special identification card under sub.
20 (1) ~~or another form provided by the department shall include a place for an applicant~~
21 ~~or special identification card holder who is a natural person to designate that his or~~
22 ~~her name, street address, post-office box number and 9-digit extended zip code may~~
23 ~~not be disclosed as provided under s. 343.235, a statement indicating the effect of~~
24 ~~making such a designation and a place for an applicant or special identification card~~

1 ~~holder who has made a designation under this subsection to reverse the designation~~
2 ~~the information required under s. 85.103 (2).~~

3 **SECTION 22. Initial applicability.**

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

7 **SECTION 23. Effective date.**

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

10 (END)