



1999 SENATE BILL 260

October 20, 1999 - Introduced by Senators ERPENBACH, CLAUSING, A. LASEE, SCHULTZ and ROSENZWEIG, cosponsored by Representatives SCHNEIDER, BOCK, SHERMAN, BLACK, RYBA, POCAN, MUSSER, STASKUNAS, COGGS, GUNDRUM and LASSA. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

1 **AN ACT** *to renumber* 19.71 and 85.105; *to amend* 19.80 (3) (a), 23.16 (3), 341.17
2 (5), 341.17 (6), 343.24 (1) and 343.24 (2m); and *to create* 19.71 (2) and (3),
3 85.105 (2), 177.23 (1m), 341.17 (8m) and 343.24 (3m) of the statutes; **relating**
4 **to:** sale or rental of certain information pertaining to minors by state agencies.

Analysis by the Legislative Reference Bureau

Currently, unless otherwise provided by law, a state agency must provide public access to information contained in its records unless the agency demonstrates that the public interest in withholding access to that information outweighs the strong public interest in providing access. In addition, no state agency may sell or rent any record containing an individual's name or address of residence, unless specifically authorized by state law.

This bill provides, in addition, that no state agency may sell or rent, for purposes of solicitation, any record containing information that can be associated with a particular individual who is a minor if the information is derived from a list or other records series containing ten or more names, unless specifically authorized by state law. The bill also prohibits any person from using, for purposes of solicitation, any information that can be associated with a particular individual who is a minor if the information is derived from a list or records series containing ten or

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more names and if the information was obtained from a state agency. Violators are subject to a forfeiture (civil penalty) not exceeding \$500 for each violation.

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

1 **SECTION 1.** 19.71 of the statutes is renumbered 19.71 (1).

2 **SECTION 2.** 19.71 (2) and (3) of the statutes are created to read:

3 19.71 (2) No state authority may sell or rent, for purposes of solicitation, a
4 record containing any personally identifiable information pertaining to a minor that
5 is derived from a list or records series containing 10 or more names, unless
6 specifically authorized by state law.

7 (3) No person may use, for purposes of solicitation, any personally identifiable
8 information pertaining to a minor that is derived from a list or records series
9 containing 10 or more names if the information was obtained from a state authority.

10 **SECTION 3.** 19.80 (3) (a) of the statutes is amended to read:

11 19.80 (3) (a) Any person who wilfully collects, discloses ~~or~~, maintains or uses
12 personally identifiable information in violation of federal or state law may be
13 required to forfeit not more than \$500 for each violation.

14 **SECTION 4.** 23.16 (3) of the statutes is amended to read:

15 23.16 (3) SUBSCRIBER LISTS. The department may refuse to reveal names and
16 addresses of persons on any magazine or periodical subscriber list. The department
17 may charge a fee to recover the actual costs for providing or for the use of any
18 magazine or periodical subscriber list. The department shall not provide any names
19 or names and addresses from a magazine or periodical subscriber list of persons
20 under 18 years of age that is prohibited from being furnished under s. 19.71 (2). No
21 person who obtains or uses any magazine or periodical subscriber list from the

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1 department may refer to the department, the magazine or the periodical as the
2 source of names or addresses unless the person clearly indicates that the provision
3 of or permission to use the subscriber list in no way indicates the department's
4 knowledge, involvement, approval, authorization or connection with the person or
5 the person's activities.

6 **SECTION 5.** 85.105 of the statutes is renumbered 85.105 (1).

7 **SECTION 6.** 85.105 (2) of the statutes is created to read:

8 85.105 (2) In providing records under this section, the department may not
9 provide any person with information that is prohibited from being furnished under
10 s. 19.71 (2).

11 **SECTION 7.** 177.23 (1m) of the statutes is created to read:

12 177.23 (1m) The administrator may not make available for inspection or
13 copying under s. 19.35 (1) any information recorded under sub. (1) that satisfies all
14 of the following:

15 (a) Is personally identifiable information, as defined under s. 19.62 (5).

16 (b) Relates to any person under 18 years of age.

17 (c) Is prohibited from being furnished under s. 19.71 (2).

18 **SECTION 8.** 341.17 (5) of the statutes is amended to read:

19 341.17 (5) Except as provided in sub. (9) (e) and subject to sub. (8m), public
20 officers and agencies receiving free copies of registration lists under sub. (4) shall
21 keep such lists current and open to public inspection.

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

23 341.17 (6) The Subject to subs. (8m) and (9), the department shall sell
24 subscriptions to the registration lists compiled under this section and may sell other
25 registration information. In computing the charge to be made for subscriptions to

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1 the registration lists and for other registration information, the department shall
2 determine the costs of compiling the lists and other information and shall fairly
3 apportion the major share of those costs among the subscribers and other
4 purchasers.

5 **SECTION 10.** 341.17 (8m) of the statutes is created to read:

6 341.17 (8m) In selling copies under this section any information collected or
7 prepared under this chapter or ch. 342 that consists of any personally identifiable
8 information, as defined in s. 19.62 (5), relating to any person under 18 years of age,
9 the department shall not provide any information that is prohibited from being
10 disclosed under s. 19.71 (2).

11 **SECTION 11.** 343.24 (1) of the statutes is amended to read:

12 343.24 (1) The Subject to subs. (3m) and (4), the department shall upon request
13 furnish any person an abstract of the operating record of any person. The abstract
14 shall be certified if certification is requested. Such abstract is not admissible in
15 evidence in any action for damages or criminal proceeding arising out of a motor
16 vehicle accident.

17 **SECTION 12.** 343.24 (2m) of the statutes is amended to read:

18 343.24 (2m) If Subject to subs. (3m) and (4), if the department, in maintaining
19 a computerized operating record system, makes copies of its operating record file
20 data base, or a portion thereof, on computer tape or other electronic media, copies of
21 the tape or media may be furnished to any person on request. The Subject to subs.
22 (3m) and (4), the department may also furnish to any person upon request records
23 on computer tape or other electronic media that contain information from files of
24 uniform traffic citations or motor vehicle accidents and which were produced for or
25 developed by the department for purposes related to maintenance of the operating

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1 record file data base. The department shall charge a fee of \$3 for each file of vehicle
2 operators' records contained in the tape or media. The department shall charge a fee
3 of not more than \$3 for each file of uniform traffic citations or motor vehicle accidents
4 contained in the tape or media. Nothing in this subsection requires the department
5 to produce records of particular files or data in a particular format except as those
6 records or data are made by the department for its purposes.

7 **SECTION 13.** 343.24 (3m) of the statutes is created to read:

8 343.24 (3m) In selling copies of records to a person under sub. (1) or (2m) that
9 include any personally identifiable information, as defined in s. 19.62 (5), relating
10 to a person under 18 years of age, the department shall not provide any information
11 that is prohibited from being disclosed under s. 19.71 (2).

12 **SECTION 14. Initial applicability.**

13 (1) The treatment of sections 85.105, 341.17 (5), (6) and (8m) and 343.24 (1),
14 (2m) and (3m) of the statutes and the creation of section 85.105 (2) of the statutes first
15 apply to contracts entered into, extended, modified or renewed on the effective date
16 of this subsection.

17 (END)