



1995 ASSEMBLY BILL 952

February 26, 1996 - Introduced by Representatives SCHNEIDER, CARPENTER, BALDWIN, BOCK, BOYLE, GRONEMUS, HAHN, HARS DORF, KREUSER, LORGE, MUSSER, NOTESTEIN, OLSEN, PLACHE, PLOMBON, RYBA, R. YOUNG and ZIEGELBAUER, cosponsored by Senators BURKE, GROBSCHMIDT and WINEKE. Referred to Joint committee on Information Policy.

1 **AN ACT to repeal** 341.08 (1m), 341.17 (9) (a), (b) and (c) (intro.) and 1., 341.17 (9)
2 (d), 341.17 (9) (f) 2., 342.06 (1) (i), 343.14 (2m), 343.235 (2), 343.235 (4), 343.235
3 (6) (b), 343.24 (4) (b), 343.24 (4) (d) and 343.24 (4) (f) 2.; **to renumber and**
4 **amend** 341.17 (6), 341.17 (9) (c) 2., 341.17 (9) (c) 3., 341.17 (9) (c) 4., 341.17 (9)
5 (e), 341.17 (9) (f) 1. and 341.17 (9) (f) 3.; **to amend** 341.17 (5), 343.235 (3) (intro.),
6 343.235 (5), 343.235 (6) (a), 343.235 (6) (c), 343.24 (1), 343.24 (4) (c) (intro.),
7 343.24 (4) (e), 343.24 (4) (f) 1., 343.24 (4) (f) 3. and 343.50 (4); and **to create**
8 341.17 (6) (b) (intro.), 341.17 (6) (b) 4., 343.235 (3) (c) and 343.24 (4) (c) 3. of the
9 statutes; **relating to:** release of personally identifiable information by the de-
10 partment of transportation and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle registrant or vehicle owner may prohibit the department of transportation (DOT) from releasing his or her name, address or other personal identifiers to a person requesting DOT records containing the personal identifiers of 10 or more persons. Personal identifiers may be released to law enforcement agencies, specified government officials, insurers and other specified persons, notwithstanding a vehicle registrant's request to withhold his or her personal identifiers. Current law also requires DOT to periodically compile and sell lists of all motor vehicles registered in this state. The lists must contain the name, address and other personal identifiers of each vehicle registrant. Current law imposes a civil monetary penalty of up to \$500 on any person who impermissibly requests, obtains or discloses personal identifiers.

This bill prohibits DOT from disclosing information obtained by DOT from vehicle registration or titling records except to the following persons:

1. An insurer, for the purpose of issuing a policy of property or casualty insurance or for processing a claim under such a policy.
2. Any person, for the purpose of conducting a manufacturer's vehicle recall.
3. A law enforcement agency, to perform a legally authorized function.
4. The person to whom the identifier relates.

Under the bill, a person who wilfully discloses, or who under false pretenses requests or obtains, the personal identifiers of any vehicle registrant or owner may be fined not more than \$10,000 or imprisoned for not more than 9 months or both for each violation. Each record requested or disclosed in violation constitutes a separate offense.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 **SECTION 2.** 341.17 (5) of the statutes is amended to read:

3 341.17 (5) ~~Except as provided in sub. (9) (e), public~~ Public officers and agencies
4 receiving free copies of registration lists under sub. (4) shall keep such lists current
5 and may not open such lists to public inspection.

6 **SECTION 3.** 341.17 (6) of the statutes is renumbered 341.17 (6) (a) and amended
7 to read:

8 341.17 (6) (a) ~~The~~ Except as provided in par. (b), the department shall may not
9 sell subscriptions to the registration lists compiled under this section and may not
10 sell other registration information.

11 (c) In computing the charge to be made for subscriptions to the registration lists
12 and for other registration information, the department shall determine the costs of
13 compiling the lists and other information and shall fairly apportion the major share
14 of those costs among the subscribers and other purchasers.

1 **SECTION 4.** 341.17 (6) (b) (intro.) of the statutes is created to read:

2 341.17 **(6)** (b) (intro.) Except as provided in sub. (4), the department may dis-
3 close registration lists prepared under this section or other information collected or
4 prepared under this chapter or ch. 342 only to the following persons:

5 **SECTION 5.** 341.17 (6) (b) 4. of the statutes is created to read:

6 341.17 **(6)** (b) 4. The person to whom the information relates.

7 **SECTION 6.** 341.17 (9) (a), (b) and (c) (intro.) and 1. of the statutes are repealed.

8 **SECTION 7.** 341.17 (9) (c) 2. of the statutes is renumbered 341.17 (6) (b) 3. and
9 amended to read:

10 341.17 **(6)** (b) 3. A law enforcement agency, ~~a state authority or a federal gov-~~
11 ~~ernmental agency~~ to perform a legally authorized function.

12 **SECTION 8.** 341.17 (9) (c) 3. of the statutes is renumbered 341.17 (6) (b) 1. and
13 amended to read:

14 341.17 **(6)** (b) 1. An insurer authorized to write property and casualty insur-
15 ance in this state or an agent of the insurer, if the insurer or agent uses the personal
16 ~~identifiers designated for nondisclosure under s. 341.08 (1m) or 342.06 (1) (i) in-~~
17 formation only for purposes of issuing or renewing a policy and related underwriting,
18 billing or processing or paying a claim. In this subdivision, "insurer" has the mean-
19 ing given in s. 600.03 (27).

20 **SECTION 9.** 341.17 (9) (c) 4. of the statutes is renumbered 341.17 (6) (b) 2. and
21 amended to read:

22 341.17 **(6)** (b) 2. A person obtaining registration or title information for use in
23 the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the
24 manufacturer, if the person uses the ~~personal identifiers designated for nondisclo-~~
25 ~~sure under s. 341.08 (1m) or 342.06 (1) (i) information only~~ for vehicle recalls.

1 **SECTION 10.** 341.17 (9) (d) of the statutes is repealed.

2 **SECTION 11.** 341.17 (9) (e) of the statutes is renumbered 341.17 (6) (d) and
3 amended to read:

4 341.17 (6) (d) Any person who has received information under ~~par. (e) a personal~~
5 ~~al identifier of any person who has made a designation under s. 341.08 (1m) or 342.06~~
6 ~~(1) (i) this section~~ shall keep the ~~personal identifier~~ information confidential and may
7 not disclose it except for a purpose applicable to that person under par. (e) (b).

8 **SECTION 12.** 341.17 (9) (f) 1. of the statutes is renumbered 341.17 (6) (e) 1. and
9 amended to read:

10 341.17 (6) (e) 1. Any person who wilfully discloses, or who under false pretenses
11 requests or obtains, a personal identifier in violation of this subsection may be re-
12 quired to forfeit fined not more than \$500 \$10,000 or imprisoned for not more than
13 9 months or both for each violation. Each personal identifier disclosed, requested or
14 obtained in violation of this section constitutes a separate offense. In this subdivi-
15 sion, "personal identifier" means a name, street address, post-office box number or
16 9-digit extended zip code.

17 **SECTION 13.** 341.17 (9) (f) 2. of the statutes is repealed.

18 **SECTION 14.** 341.17 (9) (f) 3. of the statutes is renumbered 341.17 (6) (e) 2. and
19 amended to read:

20 341.17 (6) (e) 2. ~~Subdivisions~~ Subdivision 1. and 2. do does not apply to a legal
21 custodian under s. 19.33 of the department.

22 **SECTION 15.** 342.06 (1) (i) of the statutes is repealed.

23 **SECTION 16.** 343.14 (2m) of the statutes is repealed.

24 **SECTION 17.** 343.235 (2) of the statutes is repealed.

25 **SECTION 18.** 343.235 (3) (intro.) of the statutes is amended to read:

1 343.235 (3) (intro.) ~~Subsection (2) does not apply~~ Notwithstanding s. 19.35, the
2 department may disclose information collected or prepared under this chapter which
3 contains personal identifiers only to any of the following:

4 **SECTION 19.** 343.235 (3) (c) of the statutes is created to read:

5 343.235 (3) (c) The person to whom the personal identifier relates, for any pur-
6 pose.

7 **SECTION 20.** 343.235 (4) of the statutes is repealed.

8 **SECTION 21.** 343.235 (5) of the statutes is amended to read:

9 343.235 (5) Any person who has received under sub. (3) a personal identifier
10 of any another person who has made a designation under s. 343.14 (2m) or 343.51
11 (1m) shall keep the personal identifier confidential and may not disclose it except for
12 a purpose applicable to that person under sub. (3).

13 **SECTION 22.** 343.235 (6) (a) of the statutes is amended to read:

14 343.235 (6) (a) Any person who wilfully discloses, or who under false pretenses
15 requests or obtains, a personal identifier in violation of this section may be required
16 to forfeit fined not more than \$500 \$10,000 or imprisoned for not more than 9 months
17 or both for each violation. Each record disclosed, requested or obtained in violation
18 of this section constitutes a separate offense.

19 **SECTION 23.** 343.235 (6) (b) of the statutes is repealed.

20 **SECTION 24.** 343.235 (6) (c) of the statutes is amended to read:

21 343.235 (6) (c) Paragraphs Paragraph (a) and (b) do ~~does~~ not apply to a legal
22 custodian under s. 19.33 of the department.

23 **SECTION 25.** 343.24 (1) of the statutes is amended to read:

24 343.24 (1) The department shall upon request furnish any person specified un-
25 der sub. (4) (c) an abstract of the operating record of any person. The abstract shall

1 be certified if certification is requested. Such abstract is not admissible in evidence
2 in any action for damages or criminal proceeding arising out of a motor vehicle acci-
3 dent. Except as provided in sub. (3), the department may not furnish an abstract of
4 the operating record of any person to any person not specified under sub. (4) (c).

5 **SECTION 26.** 343.24 (4) (b) of the statutes is repealed.

6 **SECTION 27.** 343.24 (4) (c) (intro.) of the statutes is amended to read:

7 343.24 (4) (c) (intro.) ~~Paragraph (b) does not apply~~ Notwithstanding s. 19.35,
8 the department may not disclose the abstract of the operating record of any person,
9 except to any of the following:

10 **SECTION 28.** 343.24 (4) (c) 3. of the statutes is created to read:

11 343.24 (4) (c) 3. The person whose operating record is abstracted, for any pur-
12 pose.

13 **SECTION 29.** 343.24 (4) (d) of the statutes is repealed.

14 **SECTION 30.** 343.24 (4) (e) of the statutes is amended to read:

15 343.24 (4) (e) Any person who has received under par. (c) a personal identifier
16 of any another person who has made a designation under s. 343.14 (2m) shall keep
17 the personal identifier confidential and may not disclose it except for a purpose appli-
18 cable to that person under par. (c).

19 **SECTION 31.** 343.24 (4) (f) 1. of the statutes is amended to read:

20 343.24 (4) (f) 1. Any person who wilfully discloses, or who under false pretenses
21 requests or obtains, a personal identifier in violation of this subsection may be re-
22 quired to forfeit fined not more than \$500 \$10,000 or imprisoned for not more than
23 9 months or both for each violation.

24 **SECTION 32.** 343.24 (4) (f) 2. of the statutes is repealed.

25 **SECTION 33.** 343.24 (4) (f) 3. of the statutes is amended to read:

