

# State of Wisconsin



1999 Assembly Bill 315

Date of enactment: **April 24, 2000**

Date of publication\*: **May 8, 2000**

## 1999 WISCONSIN ACT 88

AN ACT *to repeal* 341.17 (9) (d), 343.235 (4) and 343.24 (4) (d); *to renumber and amend* 23.16 (3), 23.165 (4) and 85.105; *to amend* 341.08 (1m), 341.17 (9) (a) 3., 341.17 (9) (b), 341.17 (9) (c) 3., 341.17 (9) (c) 4., 341.17 (9) (e), 341.17 (9) (f) 1. and 2., 343.14 (2m), 343.235 (1) (c), 343.235 (2), 343.235 (3) (b), 343.235 (5), 343.235 (6) (a) and (b), 343.24 (4) (a) 3., 343.24 (4) (b), 343.24 (4) (c) 2., 343.24 (4) (e), 343.24 (4) (f) 1. and 2., 343.50 (4) and 343.51 (1m); *to repeal and recreate* 342.06 (1) (i); and *to create* 23.16 (3) (b), 23.165 (4) (b), 23.45, 85.103, 85.105 (2) and 440.14 of the statutes; **relating to:** the disclosure of personal identifiers by the department of transportation, the department of natural resources and the department of regulation and licensing, granting rule-making authority and providing a penalty.

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

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

23.16 (3) SUBSCRIBER LISTS. (intro.) The department may refuse to reveal names and addresses of persons on any magazine or periodical subscriber list. The department may charge a fee to recover the actual costs for providing or for the use of any magazine or periodical subscriber list. The department may not reveal names and addresses of persons as prohibited under s. 23.45 (4). No person who obtains or uses any magazine or periodical subscriber list from the department may refer to the department, the magazine or the periodical as the source of names or addresses unless the person clearly indicates states that the provision of, or permission to use, the subscriber list in no way indicates the any of the following:

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

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

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

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

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

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

\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

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

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

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

(4) The department shall provide to an individual upon request a form that includes a place for the individual to declare that the individual's personal identifiers obtained by the department may not be disclosed on any list that the department furnishes to another person.

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

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

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

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

(2) The department shall include on any form for application for original registration under s. 341.08, for application 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 card under s. 343.14 and for application for a special identification card under s. 343.51, a place for the individual to designate that the individual's personal identifiers may not be disclosed in information compiled or maintained by the department that contains the personal identifiers of 10 or more individuals, 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 or sub. (3) to reverse the designation.

(3) The department shall provide to an individual upon request a form that includes a place for the individual to designate that the individual's personal identifiers may not be disclosed in information compiled or maintained by the department that contains the personal identifiers of 10 or more individuals, 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 or sub. (2) to reverse the designation.

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

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

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

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

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

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

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

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

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

**SECTION 4.** 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).~~

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

341.17 (9) (a) 3. "Personal identifier" means a name, street address, post-office box number or 9-digit extended zip code has the meaning given in s. 85.103 (1).

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

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

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

341.17 (9) (c) 3. 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 designated for nondisclosure under s. 341.08 ~~(1m) or 342.06 (1) (i) 85.103 (2) or (3)~~ for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim. Notwithstanding par. (e), no insurer, or agent of an insurer, may disclose to another person for marketing purposes any personal identifier received under this subdivision.

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

341.17 (9) (c) 4. A person obtaining registration or title information for use in the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the manufacturer, if the person uses the personal identifiers designated for nondisclosure under s. 341.08 ~~(1m) or 342.06 (1) (i) 85.103 (2) or (3)~~ for vehicle recalls. Notwithstanding par. (e), no person receiving a personal identifier under this subdivision may disclose the personal identifier to another person for marketing purposes.

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

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

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

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

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

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

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

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

**SECTION 11.** 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 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).~~

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

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

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

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

**SECTION 13.** 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. Notwithstanding sub. (5), no insurer, or agent of an insurer, may disclose to another person for marketing purposes any personal identifier received under this paragraph.

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

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

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

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

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

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

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

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

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

343.24 (4) (b) In furnishing 10 or more operating records to a person under sub. (1) or (2m), the department may not disclose a personal identifier of any person who has made a designation under s. ~~343.14 (2m)~~ that his or

her personal identifiers may not be released as provided in this subsection ~~85.103 (2) or (3).~~

**SECTION 17.** 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. Notwithstanding par. (e), no insurer, or agent of an insurer, may disclose to another person for marketing purposes any personal identifier received under this subdivision.

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

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

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

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

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

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

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

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

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

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).~~

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

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

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

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

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

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

(4) The department or a credentialing board shall provide to an individual upon request a form that includes

a place for the individual to declare that the individual's personal identifiers obtained by the department or credentialing board may not be disclosed on any list that the department or credentialing board furnishes to another person.

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

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

**SECTION 22. Initial applicability.**

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

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

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

(4) The treatment of section 440.14 of the statutes first applies to lists furnished by the department of regulation and licensing or a credentialing board, as defined in section 440.01 (2) (bm) of the statutes, on the effective date of this subsection.

**SECTION 23. Effective date.**

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