

1999 DRAFTING REQUEST

Bill

Received: **04/22/99**

Received By: **isagerro**

Wanted: **As time permits**

Identical to LRB: **99-1956/3**

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Julie**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **PEN
TNF**

Pre Topic:

No specific pre topic given

Topic:

Prohibit release of personal identifiers in lists of 10 or more people

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	isagerro 04/22/99	wjackson 04/22/99		_____			State
/1			hhagen 04/22/99	_____	lrb_docadmin 04/22/99	lrb_docadmin 04/23/99	

FE Sent For:

04-29-99

<END>

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1/?	isagerro	1 Wlj 4/22	4/22	4/23			

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<END>

SOON

1999 BILL

1 **AN ACT to repeal** 341.08 (1m), 341.17 (5), 341.17 (9) (d), 342.06 (1) (i), 343.14
2 (2m), 343.235 (4), 343.24 (4) (d) and 343.51 (1m); **to amend** 85.105, 341.17 (9)
3 (b), 341.17 (9) (c) 3., 341.17 (9) (c) 4., 341.17 (9) (e), 343.235 (2), 343.235 (5),
4 343.24 (4) (b), 343.24 (4) (e) and 343.50 (4); and **to create** 85.103 of the statutes;
5 **relating to:** prohibiting the department of transportation from providing
6 information compiled and maintained by the department that contains the
7 personal identifiers of 10 or more people.

Analysis by the Legislative Reference Bureau

Under current law, information collected by the department of transportation (DOT), including information collected through applications for registration, operator's licenses, identification cards and operating records, must be made available to the public. This information may include personal identifiers that are defined as a person's name, street address, post-office box number or nine-digit extended zip code. DOT may also sell motor vehicle registration lists and information on electronic media compiled from motor vehicle accident and citation records. An individual may prohibit disclosure of personal identifiers in written or electronic information that contains the personal identifiers of ten or more persons.

This bill prohibits DOT, except in certain circumstances, from providing information compiled by DOT that contains the personal identifiers of ten or more

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people. This bill continues to allow DOT to disclose information containing the personal identifiers of ten or more persons to a county or village clerk, the department of revenue or to a law enforcement agency if the information is used to perform a legally authorized function, or to an insurer if the information is used to issue or renew a policy or underwrite, bill, process or pay a claim. Persons receiving information containing the personal identifiers of ten or more people are required to keep this information confidential.

For further information see the *state* 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.** 85.103 of the statutes is created to read:

2 **85.103 Release of personal identifiers prohibited.**

3 Except as provided in ss. 341.17, 343.03, 343.14, 343.235, 343.24, 343.245,
4 343.30 and 343.50, the department may not provide any person with written or
5 electronic information compiled or maintained by the department that contains the
6 personal identifiers, as defined in s. 341.17 (9) (a) 3., of 10 or more persons.

7 **SECTION 2.** 85.105 of the statutes is amended to read:

8 **85.105 Sale of motor vehicle records.** Notwithstanding s. 343.24 (2m), the
9 department may contract with a person to periodically furnish that person with any
10 records on computer tape or other electronic media that contain information from
11 files of motor vehicle accidents or uniform traffic citations and that were produced
12 for or developed by the department for purposes related to maintenance of the
13 operating record file data base. In providing records under this section that contain
14 the personal identifiers, as defined in s. 341.17 (9) (a) 3., of 10 or more persons, the
15 department may not disclose a personal identifier of any person unless the personal
16 identifier is used solely for a purpose under s. 341.17 (9) (c). A person receiving a
17 personal identifier of any person under this section shall keep the personal identifier

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1 confidential and may not disclose it except for a purpose applicable to that person
2 under s. 341.17 (9) (c). The department and the person desiring to contract with the
3 department shall make a good faith effort to negotiate the purchase price for the
4 records to be provided under this section.

5 **SECTION 3.** 341.08 (1m) of the statutes is repealed.

6 **SECTION 4.** 341.17 (5) of the statutes is repealed.

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

8 341.17 (9) (b) In providing copies under this section or s. 19.35 (1) (a) of any
9 written information collected or prepared under this chapter or ch. 342 which
10 consists in whole or in part of the personal identifiers of 10 or more persons, the
11 department may not disclose a personal identifier of any person ~~who has made a~~
12 ~~designation under s. 341.08 (1m) or 342.06 (1) (i) that his or her personal identifiers~~
13 ~~may not be disclosed as provided in this subsection.~~

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

15 341.17 (9) (c) 3. An insurer authorized to write property and casualty insurance
16 in this state or an agent of the insurer, if the insurer or agent uses the personal
17 identifiers ~~designated for nondisclosure under s. 341.08 (1m) or 342.06 (1) (i)~~ for
18 purposes of issuing or renewing a policy and related underwriting, billing or
19 processing or paying a claim.

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

21 341.17 (9) (c) 4. A person obtaining registration or title information for use in
22 the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the
23 manufacturer, if the person uses the personal identifiers ~~designated for~~
24 ~~nondisclosure under s. 341.08 (1m) or 342.06 (1) (i)~~ for vehicle recalls.

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

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

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

6 **SECTION 10.** 342.06 (1) (i) of the statutes is repealed.

7 **SECTION 11.** 343.14 (2m) of the statutes is repealed.

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

9 343.235 (2) In providing copies under s. 19.35 (1) (a) of any written information
10 collected or prepared under this chapter which consists in whole or in part of the
11 personal identifiers of 10 or more persons, the department may not disclose a
12 personal identifier of any person who has made a designation under s. 343.14 (2m)
13 or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided
14 in this section.

15 **SECTION 13.** 343.235 (4) of the statutes is repealed.

16 **SECTION 14.** 343.235 (5) of the statutes is amended to read:

17 343.235 (5) Any person who has received under sub. (3) a personal identifier
18 of any person who has made a designation under s. 343.14 (2m) or 343.51 (1m) shall
19 keep the personal identifier confidential and may not disclose it except for a purpose
20 applicable to that person under sub. (3).

21 **SECTION 15.** 343.24 (4) (b) of the statutes is amended to read:

22 343.24 (4) (b) In furnishing 10 or more operating records to a person under sub.
23 (1) or (2m), the department may not disclose a personal identifier of any person who
24 has made a designation under s. 343.14 (2m) that his or her personal identifiers may
25 not be released as provided in this subsection.

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1 **SECTION 16.** 343.24 (4) (d) of the statutes is repealed.

2 **SECTION 17.** 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)~~ shall keep the
5 personal identifier confidential and may not disclose it except for a purpose
6 applicable to that person under par. (c).

7 **SECTION 18.** 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. 343.14 (2) (a) and (b) ~~and (2m)~~, such further
10 information as the department may reasonably require to enable it to determine
11 whether the applicant is entitled by law to an identification card and, for applicants
12 who are aged 65 years or older, material, as provided by the department, explaining
13 the voluntary program that is specified in s. 71.55 (10) (b). The department shall,
14 as part of the application process, take a photograph of the applicant to comply with
15 sub. (3). No application may be processed without the photograph being taken.
16 Misrepresentations are punishable as provided in s. 343.14 (5).

17 **SECTION 19.** 343.51 (1m) of the statutes is repealed.

18 **SECTION 20. Initial applicability.**

19 (1) The treatment of section 85.105 of the statutes first applies to contracts
20 entered into, extended, modified or renewed on the effective date of this subsection.

21 (2) The treatment of sections 85.103 and 341.17 (9) (b) of the statutes first
22 applies to requests for personal identifiers received by the department on the
23 effective date of this subsection.

24

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/22/99

To: Senator Erpenbach

Relating to LRB drafting number: LRB-2966

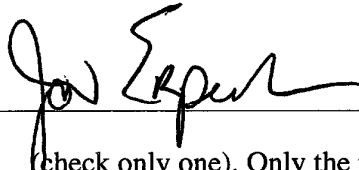
Topic

Prohibit release of personal identifiers in lists of 10 or more people

Subject(s)

Transportation - miscellaneous

1. **JACKET** the draft for introduction



in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

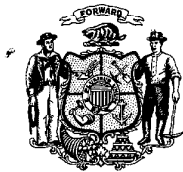
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Ivy G. Sager-Rosenthal, Legislative Attorney
Telephone: (608) 261-4455



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
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MADISON, WI 53701-2037

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REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

May 11, 1999

LRB
2

MEMORANDUM

To: Senator Erpenbach

From: Ivy Sager-Rosenthal, Legislative Attorney, (608) 261-4455

Subject: Technical Memorandum to **1999 SB 135** (LRB 99-2966/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: May 5, 1999

File Ref:

To: Legislative Reference Bureau

From: James Theil
General Counsel, Department of Transportation

Subject: Technical Note for SB135

Driver license numbers and identification card numbers should be included in the definition of personal identifiers. They are included in the federal definition under the Driver Privacy Protection Act (DPPA).

DOT/DMV Julie Clark 266-2239
Agency/Prepared by: (Name & Phone No.)

Authorized Signature