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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2795

03/06/2014 Authored by Holberg, Erhardt, Simon, Runbeck and Rosenthal
The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to data practices; modifying standards related to bulk transfer of certain
1.3 driver's license and motor vehicle registration data; requiring a study; amending
1.4 Minnesota Statutes 2012, sections 168.346, subdivision 1; 171.12, subdivision 7.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 168.346, subdivision 1, is amended to read:

1.7 Subdivision 1. **Vehicle registration data; federal compliance.** (a) Data on an
1.8 individual provided to register a vehicle shall be treated as provided by United States
1.9 Code, title 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as
1.10 required or permitted by that section. The commissioner shall disclose the data in bulk
1.11 form upon request for any of the permissible uses described in United States Code, title
1.12 18, section 2721.

1.13 (b) The registered owner of a vehicle who is an individual may consent in writing to
1.14 the commissioner to disclose the individual's personal information exempted by United
1.15 States Code, title 18, section 2721, to any person who makes a written request for the
1.16 personal information. If the registered owner is an individual and so authorizes disclosure,
1.17 the commissioner shall implement the request.

1.18 (c) If authorized by the registered owner as indicated in paragraph (b), the registered
1.19 owner's personal information may be used, rented, or sold solely for bulk distribution by
1.20 organizations for business purposes including surveys, marketing, or solicitation.

1.21 Sec. 2. Minnesota Statutes 2012, section 171.12, subdivision 7, is amended to read:

1.22 Subd. 7. **Privacy of data.** (a) Data on individuals provided to obtain a driver's license
1.23 or Minnesota identification card shall be treated as provided by United States Code, title 18,

2.1 section 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted
 2.2 by that section. The commissioner shall disclose the data in bulk form upon request for
 2.3 any of the permissible uses described in United States Code, title 18, section 2721.

2.4 (b) An applicant for a driver's license or a Minnesota identification card may consent,
 2.5 in writing, to the commissioner to disclose the applicant's personal information exempted
 2.6 by United States Code, title 18, section 2721, to any person who makes a request for the
 2.7 personal information. If the applicant so authorizes disclosures, the commissioner shall
 2.8 implement the request and the information may be used.

2.9 (c) If authorized by an applicant for a driver's license or a Minnesota identification
 2.10 card, as indicated in paragraph (b), the applicant's personal information may be used,
 2.11 rented, or sold solely for bulk distribution by organizations for business purposes,
 2.12 including surveys, marketing, or solicitation.

2.13 (d) An applicant for a driver's license, instruction permit, or Minnesota identification
 2.14 card may request that the applicant's residence address be classified as "private data on
 2.15 individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant
 2.16 the classification on receipt of a signed statement by the individual that the classification
 2.17 is required for the safety of the applicant or the applicant's family, if the statement also
 2.18 provides a valid, existing address where the applicant consents to receive service of
 2.19 process. The commissioner shall use the service for process mailing address in place of the
 2.20 residence address in all documents and notices pertaining to the driver's license, instruction
 2.21 permit, or Minnesota identification card. The residence address and any information
 2.22 provided in the classification request, other than the mailing address, are private data on
 2.23 individuals and may be provided to requesting law enforcement agencies, probation and
 2.24 parole agencies, and public authorities, as defined in section 518A.26, subdivision 18.

2.25 **Sec. 3. REVIEW OF ISSUES RELATED TO THE USE OF STATE MOTOR**
 2.26 **VEHICLE REGISTRATION AND DRIVER'S LICENSE DATA; INTERIM STUDY.**

2.27 (a) The commissioners of public safety and administration shall study issues relating
 2.28 to access to and use of motor vehicle registration and driver's license data held by the
 2.29 state. The study shall include review of:

2.30 (1) the legal requirements, practices, and procedures regarding bulk transfer of data
 2.31 since passage of the federal law;

2.32 (2) any violations of the federal law or breaches of security by purchasers of bulk
 2.33 data since passage of the law;

2.34 (3) the Department of Public Safety's audit requirements and practices and the
 2.35 results of the department's audits of bulk purchasers of data;

3.1 (4) revenues received from the sale of bulk data and the costs associated with
3.2 providing the data, including options for fees and charges to provide access to the data;

3.3 (5) issues involving personal privacy, data security, and compliance with the federal
3.4 law, including any alternative options for continued bulk access to and use of data, while
3.5 protecting personal privacy and ensuring data security;

3.6 (6) any beneficial or detrimental effect to Minnesota's economy resulting from the
3.7 use of, or denial of access to, bulk data; and

3.8 (7) options for effectively managing any risk of liability to the state that may be
3.9 associated with bulk access to data and its use.

3.10 As used in this section "the federal law" means United States Code, title 18, sections
3.11 2721 to 2725.

3.12 (b) In conducting the study required by this section, the commissioners shall consult
3.13 a cross section of private and governmental entities that obtain and use motor vehicle
3.14 registration and driver's license data pursuant to Minnesota Statutes, sections 168.346
3.15 and 171.12. A report to the legislature containing the commissioners' conclusions and
3.16 recommendations must be submitted by January 15, 2015.

3.17 **Sec. 4. EFFECTIVE DATE.**

3.18 This act is effective the day following final enactment.