

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2795

03/06/2014 Authored by Holberg, Erhardt, Simon, Runbeck, Rosenthal and others  
The bill was read for the first time and referred to the Committee on Civil Law  
03/19/2014 Adoption of Report: Amended and re-referred to the Committee on Transportation Finance  
03/31/2014 Adoption of Report: Amended and Placed on the General Register  
Read Second Time

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; providing for collection and  
1.4 deposit of fees for certain requests for data in bulk form; amending Minnesota  
1.5 Statutes 2012, sections 168.327, subdivision 1; 168.346, subdivision 1; 171.12,  
1.6 subdivision 7.

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

1.8 Section 1. Minnesota Statutes 2012, section 168.327, subdivision 1, is amended to read:

1.9 Subdivision 1. **Records and fees.** (a) Upon request by any person authorized in  
1.10 this section, the commissioner shall furnish a certified copy of any driver's license record,  
1.11 instruction permit record, Minnesota identification card record, vehicle registration record,  
1.12 vehicle title record, or accident record.

1.13 (b) Other than accident records governed under section 169.09, subdivision 13, the  
1.14 requester shall pay a fee of \$10 for each certified record specified in paragraph (a) or a fee  
1.15 of \$9 for each record that is not certified.

1.16 (c) In addition to the record fee in paragraph (b), the fee for a copy of the history of  
1.17 any vehicle title not in electronic format is \$1 for each page of the historical record.

1.18 (d) Fees collected under paragraph (b) for driver's license, instruction permit, and  
1.19 Minnesota identification card records must be paid into the state treasury with 50 cents of  
1.20 each fee credited to the general fund. The remainder of the fees collected must be credited  
1.21 to the driver services operating account in the special revenue fund under section 299A.705.

1.22 (e) Fees collected under paragraphs (b) and (c) for vehicle registration or title records  
1.23 must be paid into the state treasury with 50 cents of each fee credited to the general fund.  
1.24 The remainder of the fees collected must be credited to the vehicle services operating  
1.25 account in the special revenue fund specified in section 299A.705.

(f) The commissioner shall permit a person to inquire into a single record by the person's own electronic means for a fee of \$4.50 for each inquiry, except that no fee may be charged when the requester is the subject of the data. Fees collected under this paragraph must be deposited as follows:

(1) ~~Of the \$4.50 fee, \$2.70 must be deposited in the general fund;~~

(2) for driver's license, instruction permit, or Minnesota identification card records, the remainder ~~must be deposited~~ in the driver services operating account in the special revenue fund under section 299A.705; and

(3) for vehicle title or registration records, the remainder ~~must be deposited~~ in the vehicle services operating account in the special revenue fund under section 299A.705.

(g) Fees and the deposit of the fees for accident records and reports are governed by section 169.09, subdivision 13.

(h) The commissioner may impose fees for a requester to inquire, through the requester's own electronic means, into data in bulk form, as provided under sections 168.346, subdivision 1, and 171.12, subdivision 7. The fee structure must match that in use on January 1, 2014. The fees (1) are in lieu of the fee imposed under paragraph (f) and the surcharge under subdivision 2; and (2) must not exceed any that would have been imposed on January 1, 2014, for a comparable bulk data inquiry. Fees collected under this paragraph must be deposited as follows:

(1) for driver's license, instruction permit, or Minnesota identification card records, in the driver services operating account; and

(2) for vehicle title or registration records, in the vehicle services operating account.

Sec. 2. Minnesota Statutes 2012, section 168.346, subdivision 1, is amended to read:

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

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

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

Sec. 3. Minnesota Statutes 2012, section 171.12, subdivision 7, is amended to read:

Subd. 7. **Privacy of data.** (a) Data on individuals provided to obtain a driver's license or Minnesota identification card shall be treated as provided by United States Code, title 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted by that section. The commissioner shall disclose the data in bulk form upon request to an authorized recipient under United States Code, title 18, section 2721.

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

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

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

Sec. 4. **EFFECTIVE DATE.**

This act is effective the day following final enactment.