

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1097, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 9-14-3.5-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. As used in this
5 chapter, "motor vehicle record" means a record that pertains to: ~~an~~
6 operator's
7 **(1) a driver's** license;
8 **(2) a** permit;
9 **(3) a** motor vehicle registration;
10 **(4) a** motor vehicle title; or
11 **(5) an** identification document issued by the bureau.
12 SECTION 2. IC 9-14-3.5-5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. As used in this
14 chapter, "personal information" means information that identifies a
15 person, including an individual's:
16 **(1) photograph or computerized image;**
17 **(2) Social Security number;**
18 **(3) driver's license or identification document number;**
19 **(4) name;**

- 1 (5) address (but not the 5-digit zip code);
- 2 (6) telephone number; or
- 3 (7) medical or disability information.
- 4 The term does not include information about vehicular accidents,
- 5 driving or equipment related violations, and operator's license or
- 6 registration status."
- 7 Page 1, line 2, after "7." insert "(a)".
- 8 Page 1, line 3, after "8" insert ",".
- 9 Page 1, line 3, strike "through" and insert "**10, and**".
- 10 Page 1, line 3, after "chapter" delete "," and insert "":
- 11 **(1) an officer or employee of**."
- 12 Page 1, line 3, after "bureau" insert ";
- 13 **(2) an officer or employee of the bureau of motor vehicles**
- 14 **commission;**".
- 15 Page 1, line 3, after "or" begin a new line block indented and insert:
- 16 **"(3)".**
- 17 Page 1, line 3, strike "an officer, an".
- 18 Page 1, line 4, strike "employee, or".
- 19 Page 1, line 4, after "bureau" insert "**or the bureau of motor**
- 20 **vehicles commission (or an officer or employee of the contractor);**".
- 21 Page 1, line 4, begin a new line blocked left beginning with "may".
- 22 Page 1, line 7, delete "social security" and insert "**Social Security**".
- 23 Page 1, between lines 8 and 9, begin a new paragraph and insert:
- 24 "SECTION 4. IC 9-14-3.5-10 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The bureau may
- 26 disclose personal information to a person if the person requesting the
- 27 information provides proof of identity and represents that the use of the
- 28 personal information will be strictly limited to at least one (1) of the
- 29 following:
- 30 (1) For use by a government agency, including a court or law
- 31 enforcement agency, in carrying out its functions, or a person
- 32 acting on behalf of a government agency in carrying out its
- 33 functions.
- 34 (2) For use in connection with matters concerning:
- 35 (A) motor vehicle or driver safety and theft;
- 36 (B) motor vehicle emissions;
- 37 (C) motor vehicle product alterations, recalls, or advisories;
- 38 (D) performance monitoring of motor vehicles, motor vehicle

- 1 parts, and dealers;
- 2 (E) motor vehicle market research activities, including survey
- 3 research; and
- 4 (F) the removal of nonowner records from the original owner
- 5 records of motor vehicle manufacturers.
- 6 (3) For use in the normal course of business by a business or its
- 7 agents, employees, or contractors, but only:
- 8 (A) to verify the accuracy of personal information submitted
- 9 by an individual to the business or its agents, employees, or
- 10 contractors; and
- 11 (B) if information submitted to a business is not correct or is
- 12 no longer correct, to obtain the correct information only for
- 13 purposes of preventing fraud by, pursuing legal remedies
- 14 against, or recovering on a debt or security interest against, the
- 15 individual.
- 16 (4) For use in connection with a civil, a criminal, an
- 17 administrative, or an arbitration proceeding in a court or
- 18 government agency or before a self-regulatory body, including the
- 19 service of process, investigation in anticipation of litigation, and
- 20 the execution or enforcement of judgments and orders, or under
- 21 an order of a court.
- 22 (5) For use in research activities, and for use in producing
- 23 statistical reports, as long as the personal information is not
- 24 published, re-disclosed, or used to contact the individuals who are
- 25 the subject of the personal information.
- 26 (6) For use by an insurer, an insurance support organization, or a
- 27 self-insured entity, or the agents, employees, or contractors of an
- 28 insurer, an insurance support organization, or a self-insured entity
- 29 in connection with claims investigation activities, anti-fraud
- 30 activities, rating, or underwriting.
- 31 (7) For use in providing notice to the owners of towed or
- 32 impounded vehicles.
- 33 (8) For use by a licensed private investigative agency or licensed
- 34 security service for a purpose allowed under this section.
- 35 (9) For use by an employer or its agent or insurer to obtain or
- 36 verify information relating to a holder of a commercial driver's
- 37 license that is required under the Commercial Motor Vehicle
- 38 Safety Act of 1986 (49 U.S.C. 2710 et seq.).

1 (10) For use in connection with the operation of private toll
2 transportation facilities.

3 (11) For ~~distribution of automotive-related surveys, marketing, or~~
4 ~~solicitations after the bureau has implemented methods and~~
5 ~~procedures to ensure that:~~

6 (A) a person who is the subject of personal information
7 requested is provided an opportunity, in a clear and
8 conspicuous manner, to prohibit the uses;

9 (B) the information will be used, rented, or sold only for bulk
10 distribution for automotive-related surveys, marketing, and
11 solicitations; and

12 (C) the automotive-related surveys, marketing, and
13 solicitations will not be directed at those individuals who have
14 requested in a timely fashion that such material not be directed
15 at them: any use in response to requests for individual
16 motor vehicle records when the bureau has obtained the
17 written consent of the person to whom the personal
18 information pertains.

19 (12) For bulk distribution for surveys, marketing, or
20 solicitations when the bureau has obtained the written consent
21 of the person to whom the personal information pertains.

22 (13) For use by any person, when the person demonstrates, in
23 a form and manner prescribed by the bureau, that written
24 consent has been obtained from the individual who is the
25 subject of the information.

26 (14) For any other use specifically authorized by law that is
27 related to the operation of a motor vehicle or public safety.

28 **However, this section does not affect the use of anatomical gift**
29 **information on a person's driver's license or identification**
30 **document issued by the bureau, nor does it affect the**
31 **administration of anatomical gift initiatives in the state.**

32 SECTION 5. IC 9-14-3.5-11, AS AMENDED BY P.L.222-1999,
33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2000]: Sec. 11. (a) Personal information that is contained in
35 an individual record may be disclosed to a person, without regard to
36 intended use, if the bureau has provided in a clear and conspicuous
37 manner on forms for issuance or renewal of operator's licenses,
38 registrations, titles, or identification documents:

1 ~~(1) notice that personal information collected by the bureau may~~
 2 ~~be disclosed to any person making a request for an individual~~
 3 ~~record; and~~

4 ~~(2) an opportunity for each person who is the subject of a record~~
 5 ~~to prohibit the disclosure.~~

6 ~~(b)~~ The bureau shall disclose the name and address of a purchaser
 7 of a special group recognition license plate issued under
 8 IC 9-18-25-2(3) supporting a state educational institution (as defined
 9 in IC 20-12-0.5-1) to a representative designated and authorized to
 10 receive the personal information by the state educational institution, if
 11 the purchaser purchased the plate **bureau obtained the written**
 12 **consent of the purchaser regarding the disclosure and the plate was**
 13 **purchased** in a year:

- 14 (1) beginning after December 31, 1998; and
 15 (2) in which at least ten thousand (10,000) of the special group's
 16 recognition license plates issued under IC 9-18-25-2(3) are sold
 17 or renewed.

18 SECTION 6. IC 9-14-3.5-13 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. (a) An authorized
 20 recipient of personal information, except a recipient under section
 21 10(11), **10(12)**, or 11 of this chapter, may resell or re-disclose the
 22 information for any use allowed under section 10 of this chapter, except
 23 for a use under section 10(11) **or 10(12)** of this chapter.

24 (b) An authorized recipient of a record under section ~~10(11)~~ **10(11)** of
 25 this chapter may resell or re-disclose personal information for any
 26 purpose.

27 (c) An authorized recipient of personal information under
 28 IC 9-14-3-6 and section ~~10(11)~~ **10(12)** of this chapter may resell or
 29 re-disclose the personal information for use only in accordance with
 30 section ~~10(11)~~ **10(12)** of this chapter.

31 (d) Except for a recipient under section ~~10(11)~~ **10(11)** of this chapter, a
 32 recipient who resells or re-discloses personal information is required
 33 to maintain and make available for inspection to the bureau, upon
 34 request, for at least five (5) years, records concerning:

- 35 (1) each person that receives the information; and
 36 (2) the permitted use for which the information was obtained."

37 Page 1, line 14, delete "orange,".

38 Page 2, between lines 18 and 19 begin a new paragraph and insert:

1 **"(c) Upon approaching a stationary recovery vehicle or a**
 2 **stationary highway maintenance vehicle, when the vehicle is giving**
 3 **a signal by displaying alternately flashing amber lights, a person**
 4 **who drives an approaching vehicle shall:**

5 **(1) proceeding with due caution, yield the right-of-way by**
 6 **making a lane change into a lane not adjacent to that of the**
 7 **authorized emergency vehicle, if possible with due regard to**
 8 **safety and traffic conditions, if on a highway having at least**
 9 **four (4) lanes with not less than two (2) lanes proceeding in**
 10 **the same direction as the approaching vehicle; or**

11 **(2) proceeding with due caution, reduce the speed of the**
 12 **vehicle, maintaining a safe speed for road conditions, if**
 13 **changing lanes would be impossible or unsafe."**

14 Page 2, line 19, strike "(c)" and insert "(d)".

15 Page 2, line 20, after "vehicle" insert ", a recovery vehicle, or a
 16 **highway maintenance vehicle"**.

17 Page 2, between lines 21 and 22, begin a new paragraph and insert:

18 "SECTION 8. IC 9-21-8-54, AS ADDED BY P.L.18-1999,
 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2000]: Sec. 54. (a) A person who violates section 35(b) **or**
 21 **section 35(c)** of this chapter commits a Class A infraction.

22 (b) If a violation of section 35(b) of this chapter results in damage
 23 to the property of another person, in addition to any other penalty
 24 imposed, the court shall recommend that the person's driving privileges
 25 be suspended for a fixed period of not less than ninety (90) days and
 26 not more than one (1) year.

27 **(c) If a violation of section 35(c) of this chapter results in**
 28 **damage to the property of another person of at least two hundred**
 29 **fifty dollars (\$250), in addition to any other penalty imposed, the**
 30 **court shall recommend that the person's driving privileges be**
 31 **suspended for a fixed period of not less than ninety (90) days and**
 32 **not more than one (1) year.**

33 **(d)** If a violation of section 35(b) **or section 35(c)** of this chapter
 34 results in injury to another person, in addition to any other penalty
 35 imposed, the court shall recommend that the person's driving privileges
 36 be suspended for a fixed period of not less than one hundred eighty
 37 (180) days and not more than two (2) years.

38 ~~(d)~~ **(e)** If a violation of section 35(b) **or section 35(c)** of this chapter

1 results in the death of another person, in addition to any other penalty
2 imposed, the court shall recommend that the person's driving privileges
3 be suspended for two (2) years.

4 ~~(e)~~ (f) The bureau shall, upon receiving a record of a judgment
5 entered against a person under this section:

6 (1) suspend the person's driving privileges for a mandatory
7 period; or

8 (2) extend the period of an existing suspension for a fixed period;
9 of not less than ninety (90) days and not more than two (2) years. The
10 bureau shall fix this period in accordance with the recommendation of
11 the court that entered the judgment.

12 SECTION 9. IC 9-23-2-10 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) A person
14 licensed under this article shall furnish evidence that the person
15 currently has **liability insurance or** garage liability insurance covering
16 the person's place of business. The policy must have limits of not less
17 than the following:

18 (1) One hundred thousand dollars (\$100,000) for bodily injury to
19 one (1) person.

20 (2) Three hundred thousand dollars (\$300,000) for bodily injury
21 for each accident.

22 (3) Fifty thousand dollars (\$50,000) for property damage.

- 1 (b) The minimum amounts required by subsection (a) must be
- 2 maintained during the time the license is valid."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1097 as reprinted February 1, 2000.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Riegsecker

Chairperson