

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 79, has had the same under consideration and begs leave to report the same back to the House 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 9-14-3.5-10 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. Except as provided
- 5 in section 10.5 of this chapter, the bureau may disclose personal
- 6 information to a person if the person requesting the information
- 7 provides proof of identity and represents that the use of the personal
- 8 information will be strictly limited to at least one (1) of the following:
- 9 (1) For use by a government agency, including a court or law
- 10 enforcement agency, in carrying out its functions, or a person
- 11 acting on behalf of a government agency in carrying out its
- 12 functions.
- 13 (2) For use in connection with matters concerning:
- 14 (A) motor vehicle or driver safety and theft;

- 1 (B) motor vehicle emissions;
2 (C) motor vehicle product alterations, recalls, or advisories;
3 (D) performance monitoring of motor vehicles, motor vehicle
4 parts, and dealers;
5 (E) motor vehicle market research activities, including survey
6 research; ~~and~~
7 (F) the removal of nonowner records from the original owner
8 records of motor vehicle manufacturers; **and**
9 **(G) motor fuel theft under IC 24-4.6-5.**
- 10 (3) For use in the normal course of business by a business or its
11 agents, employees, or contractors, but only:
12 (A) to verify the accuracy of personal information submitted
13 by an individual to the business or its agents, employees, or
14 contractors; and
15 (B) if information submitted to a business is not correct or is
16 no longer correct, to obtain the correct information only for
17 purposes of preventing fraud by, pursuing legal remedies
18 against, or recovering on a debt or security interest against, the
19 individual.
- 20 (4) For use in connection with a civil, a criminal, an
21 administrative, or an arbitration proceeding in a court or
22 government agency or before a self-regulatory body, including the
23 service of process, investigation in anticipation of litigation, and
24 the execution or enforcement of judgments and orders, or under
25 an order of a court.
- 26 (5) For use in research activities, and for use in producing
27 statistical reports, as long as the personal information is not
28 published, re-disclosed, or used to contact the individuals who are
29 the subject of the personal information.
- 30 (6) For use by an insurer, an insurance support organization, or a
31 self-insured entity, or the agents, employees, or contractors of an
32 insurer, an insurance support organization, or a self-insured entity
33 in connection with claims investigation activities, anti-fraud
34 activities, rating, or underwriting.
- 35 (7) For use in providing notice to the owners of towed or
36 impounded vehicles.
- 37 (8) For use by a licensed private investigative agency or licensed
38 security service for a purpose allowed under this section.

- 1 (9) For use by an employer or its agent or insurer to obtain or
 2 verify information relating to a holder of a commercial driver's
 3 license that is required under the Commercial Motor Vehicle
 4 Safety Act of 1986 (49 U.S.C. 2710 et seq.).
- 5 (10) For use in connection with the operation of private toll
 6 transportation facilities.
- 7 (11) For any use in response to requests for individual motor
 8 vehicle records when the bureau has obtained the written consent
 9 of the person to whom the personal information pertains.
- 10 (12) For bulk distribution for surveys, marketing, or solicitations
 11 when the bureau has obtained the written consent of the person to
 12 whom the personal information pertains.
- 13 (13) For use by any person, when the person demonstrates, in a
 14 form and manner prescribed by the bureau, that written consent
 15 has been obtained from the individual who is the subject of the
 16 information.
- 17 (14) For any other use specifically authorized by law that is
 18 related to the operation of a motor vehicle or public safety.
- 19 However, this section does not affect the use of anatomical gift
 20 information on a person's driver's license or identification document
 21 issued by the bureau, nor does it affect the administration of anatomical
 22 gift initiatives in the state."
- 23 Page 2, line 3, delete "requested." and insert "**requested, or as**
 24 **provided in IC 1-1-7-1(a).**".
- 25 Page 2, line 10, delete "a retailer (or the retailer's designee)" and
 26 insert "**an association of retailers**".
- 27 Page 2, line 34, delete "retailer or the retailer's" and insert
 28 "**association of retailers**".
- 29 Page 2, line 35, delete "designee".
- 30 Page 3, line 3, delete "retailer or the retailer's designee" and insert
 31 "**association of retailers**".
- 32 Page 3, line 5, delete "retailer or its designee:" and insert
 33 "**association of retailers:**".
- 34 Page 3, line 15, delete "retailer (and any designee of the retailer)"
 35 and insert "**association of retailers**".
- 36 Page 3, line 29, delete "a retailer or".
- 37 Page 4, between lines 5 and 6, begin a new paragraph and insert:
 38 "**(d) The name and mailing address of the owner of a vehicle**

1 released by the bureau of motor vehicles under subsection (a) may
2 be used by an association of retailers only for purposes of collection
3 efforts under this chapter.
4 (e) If the owner of a vehicle makes complete payment:
5 (1) as set forth in section 4(a) of this chapter for the:
6 (A) price of motor fuel that has been pumped into the
7 vehicle;
8 (B) service charge of fifty dollars (\$50); and
9 (C) cost of certified mail; or
10 (2) for an amount equal to triple the pump price of the motor
11 fuel received plus other damages under IC 34-24-3-1, as set
12 forth in section 5(b)(4) of this chapter;
13 no criminal prosecution for a violation of IC 35-43-4 may be
14 brought against the owner of the vehicle for the failure to make
15 proper payment to a retailer under this chapter."
16 Renumber all SECTIONS consecutively.
(Reference is to SB 79 as printed January 13, 2011.)

and when so amended that said bill do pass.

Representative Soliday