

*Bawder, Chair*

*HSB 192*

*Kettering  
Jordan*

JUDICIARY  
Succeed  
SF/AF *64*

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON LARSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the release of certain personal information by  
2 the state department of transportation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.11, subsections 2 and 4, Code 2001,  
2 are amended to read as follows:

3 2. Notwithstanding subsection 1, personal information  
4 shall not be disclosed to a requestor, except as provided in  
5 ~~Pub. B. No. 106-69, § 350(b)~~ or 18 U.S.C. § 2721, unless the  
6 person whose personal information is requested has provided  
7 express written consent allowing disclosure of the person's  
8 personal information. As used in this section, "personal  
9 information" means information that identifies a person,  
10 including a person's photograph, social security number,  
11 driver's license number, name, address, telephone number, and  
12 medical or disability information, but does not include  
13 information on vehicular accidents, driving violations, and  
14 driver's status or a person's zip code.

15 4. The department shall not ~~sell~~ release personal  
16 information ~~which that~~ is in the form of a person's photograph  
17 or digital image or a digital reproduction of a person's  
18 photograph, to a person other than an officer or employee of a  
19 law enforcement agency, an employee of a federal or state  
20 agency or political subdivision in the performance of the  
21 employee's official duties, a contract employee of the  
22 department of inspections and appeals in the conduct of an  
23 investigation, or a licensed private investigation agency or a  
24 licensed security service or a licensed employee of either,  
25 regardless of whether a person has provided express written  
26 consent to disclosure of the information. ~~This subsection~~  
27 ~~does not prohibit the~~ The department from collecting may  
28 collect reasonable fees for copies of records or other  
29 services provided pursuant to this section or section 22.3,  
30 321.10, or 622.46.

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#### EXPLANATION

32 This bill amends Code section 321.11 to provide that the  
33 state department of transportation may release personal  
34 information that is in the form of a person's photograph to  
35 officers and employees of a law enforcement agency, employees

1 of federal or state agencies or political subdivisions in the  
 2 performance of the employee's official duties, contract  
 3 employees of the department of inspections and appeals in the  
 4 conduct of an investigation, and licensed private  
 5 investigation agencies, licensed security services, and  
 6 licensed employees of either. The bill strikes a reference to  
 7 a federal statute that has been incorporated into another  
 8 federal statute referenced in Code section 321.11.

9 The bill also amends Code section 321.11 to prohibit the  
 10 department from releasing personal information that is in the  
 11 form of a person's photograph to persons other than those  
 12 listed and to allow the department to collect reasonable fees  
 13 for copies of records or other services provided pursuant to  
 14 the section or pursuant to certain other Code provisions.  
 15 Currently, Code section 321.11 prohibits the department from  
 16 selling personal information that is in the form of a person's  
 17 photograph and provides that the prohibition does not prevent  
 18 the department from collecting reasonable fees for copies of  
 19 records or other services provided pursuant to certain other  
 20 Code provisions.

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H. 4/4/01 *transportation*

*5/12/01* UNFINISHED BUSINESS CALENDAR

MAR 19 2001  
Place On Calendar

HOUSE FILE 647  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 192)

Passed House, Date (P. 1075) 4-4-01 Passed Senate, Date (P. 1222) 4/19/01  
Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 0  
Approved 4/26/01

**A BILL FOR**

1 An Act relating to the release and use of certain personal  
2 information by the state department of transportation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.11, subsections 2 and 4, Code 2001,  
2 are amended to read as follows:

3 2. Notwithstanding subsection 1, personal information  
4 shall not be disclosed to a requestor, except as provided in  
5 ~~Pub. H. No. 106-697-§-350(b)~~ or 18 U.S.C. § 2721, unless the  
6 person whose personal information is requested has provided  
7 express written consent allowing disclosure of the person's  
8 personal information. As used in this section, "personal  
9 information" means information that identifies a person,  
10 including a person's photograph, social security number,  
11 driver's license number, name, address, telephone number, and  
12 medical or disability information, but does not include  
13 information on vehicular accidents, driving violations, and  
14 driver's status or a person's zip code.

15 4. The department shall not ~~sell~~ release personal  
16 information ~~which~~ that is in the form of a person's photograph  
17 or digital image or a digital reproduction of a person's  
18 photograph, to a person other than an officer or employee of a  
19 law enforcement agency, an employee of a federal or state  
20 agency or political subdivision in the performance of the  
21 employee's official duties, a contract employee of the  
22 department of inspections and appeals in the conduct of an  
23 investigation, or a licensed private investigation agency or a  
24 licensed security service or a licensed employee of either,  
25 regardless of whether a person has provided express written  
26 consent to disclosure of the information. ~~This subsection~~  
27 ~~does not prohibit the~~ The department from collecting may  
28 collect reasonable fees for copies of records or other  
29 services provided pursuant to this section or section 22.3,  
30 321.10, or 622.46.

31 Sec. 2. Section 321.189, subsection 2, paragraph c, Code  
32 2001, is amended to read as follows:

33 c. The department shall ~~advise an applicant that the~~  
34 assign an applicant for a driver's license ~~may request a~~  
35 distinguishing driver's license number other than a the

1 applicant's social security number, as-the-driver's-license  
2 number unless the applicant requests that the applicant's  
3 social security number be so assigned.

4 EXPLANATION

5 This bill amends Code section 321.11 to provide that the  
6 state department of transportation may release personal  
7 information that is in the form of a person's photograph to  
8 officers and employees of a law enforcement agency, employees  
9 of federal or state agencies or political subdivisions in the  
10 performance of the employee's official duties, contract  
11 employees of the department of inspections and appeals in the  
12 conduct of an investigation, and licensed private  
13 investigation agencies, licensed security services, and  
14 licensed employees of either. The bill strikes a reference to  
15 a federal statute that has been incorporated into another  
16 federal statute referenced in Code section 321.11.

17 The bill also amends Code section 321.11 to prohibit the  
18 department from releasing personal information that is in the  
19 form of a person's photograph to persons other than those  
20 listed and to allow the department to collect reasonable fees  
21 for copies of records or other services provided pursuant to  
22 the section or pursuant to certain other Code provisions.  
23 Currently, Code section 321.11 prohibits the department from  
24 selling personal information that is in the form of a person's  
25 photograph and provides that the prohibition does not prevent  
26 the department from collecting reasonable fees for copies of  
27 records or other services provided pursuant to certain other  
28 Code provisions.

29 This bill requires the state department of transportation  
30 to assign an applicant for a driver's license a distinguishing  
31 driver's license number other than the applicant's social  
32 security number, unless the applicant requests that the  
33 applicant's social security number be so assigned.

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HOUSE FILE 647

AN ACT

RELATING TO THE RELEASE AND USE OF CERTAIN PERSONAL INFORMATION  
BY THE STATE DEPARTMENT OF TRANSPORTATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.11, subsections 2 and 4, Code 2001,  
are amended to read as follows:

2. Notwithstanding subsection 1, personal information shall not be disclosed to a requestor, except as provided in ~~Pub. L. No. 106-69, § 350(b)~~ or 18 U.S.C. § 2721, unless the person whose personal information is requested has provided express written consent allowing disclosure of the person's personal information. As used in this section, "personal information" means information that identifies a person, including a person's photograph, social security number, driver's license number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status or a person's zip code.

4. The department shall not ~~set~~ release personal information ~~which that~~ is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph, to a person other than an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections and appeals in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, regardless of whether a person has provided express written consent to disclosure of the information. ~~This subsection does not prohibit the~~ The department from collecting may

collect reasonable fees for copies of records or other services provided pursuant to this section or section 22.3, 321.10, or 622.46.

Sec. 2. Section 321.189, subsection 2, paragraph c, Code 2001, is amended to read as follows:

c. The department shall ~~advise an applicant that the~~ assign an applicant for a driver's license ~~may request a~~ distinguishing driver's license number other than a the applicant's social security number, ~~as the driver's license number unless the applicant requests that the applicant's~~ social security number be so assigned.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 647, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved 4/26, 2001

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THOMAS J. VILSACK  
Governor