

HOUSE BILL NO. 397

INTRODUCED BY B. MERCER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA DRIVER PRIVACY PROTECTION ACT; ALLOWING THE DEPARTMENT OF JUSTICE TO SHARE SOCIAL SECURITY NUMBERS WITH THE DEPARTMENT OF REVENUE SOLELY FOR INCOME TAX COMPLIANCE PURPOSES; EXEMPTING THE DEPARTMENT OF REVENUE FROM THE FEES ASSOCIATED WITH REQUESTING SOCIAL SECURITY NUMBERS; AMENDING SECTIONS 61-11-508 AND 61-11-510, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-11-508, MCA, is amended to read:

**"61-11-508. Permitted disclosure of personal information -- specific uses.** (1) ~~Upon~~On

application, proof of the identity of the person requesting a record, and payment of fees required in 61-11-510, the department may disclose personal information, including highly restricted personal information, from a motor vehicle record to:

- (a) the person who is the subject of the motor vehicle record; or
- (b) a person who represents that the use of the information will be strictly limited to one or more of

the following:

- (i) a federal, state, or local government agency, including a court or a law enforcement agency, and any individual acting on behalf of the agency in carrying out its functions, including representatives of the news media for a legitimate law enforcement purpose, as determined by the department; or

- (ii) a person, organization, or entity, ~~upon~~on the express consent of the person to whom the information pertains.

(2) The department shall not disclose a social security number unless:

- (a) it is disclosed for the purposes of subtitle VI of Title 49 of the U.S.C.;
- (b) it is disclosed to the department of public health and human services for use in administering

1 Title IV-D of the Social Security Act; or  
2 (c) the release of the social security number is specifically authorized by law; or  
3 (d) it is disclosed to the department of revenue for use in administering and enforcing Montana's  
4 income tax laws. The department of revenue shall treat social security numbers received pursuant to this  
5 subsection (2)(d) as confidential pursuant to 15-30-2618."  
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7 **Section 2.** Section 61-11-510, MCA, is amended to read:

8 **"61-11-510. Prerequisites to disclosure.** (1) Prior to the disclosure of personal information or highly  
9 restricted personal information, as provided in 61-11-507, 61-11-508, or 61-11-509, the department shall  
10 require the requester to complete and submit an application, in a form prescribed by the department, identifying  
11 the requester and specifying the statutorily recognized uses for which the personal information or highly  
12 restricted personal information is being sought.

13 (2) The department shall require the requester to provide identification acceptable to the  
14 department.

15 (3) (a) The department shall collect the appropriate fees paid by the requester and shall determine  
16 the amount of the fees in accordance with 61-3-101, 61-11-105, and this subsection (3), and as appropriate, in  
17 accordance with the terms of a contract between the department and the requester.

18 (b) The department shall ensure that fees established by policy or contract:

19 (i) recover the department's cost and expenses as provided in 2-6-1006 and 61-3-101;

20 (ii) include an additional amount necessary to compensate the department for costs associated  
21 with developing and maintaining the database from which information is requested; and

22 (iii) incorporate, when applicable, the convenience fee established under 2-17-1103.

23 (c) Except as provided in 61-11-105(5)(b) and subsection (3)(d) of this section, the department  
24 shall charge a fee to any person, including a representative of a federal, state, or local government entity or  
25 member of the news media who requests information under this section.

26 (d) The department may not charge a fee for information requested by the governor's office of  
27 budget and program planning, the Montana tax appeal board, the department of revenue, any legislative branch  
28 agency or committee, or any criminal justice agency, as defined in 44-5-103."

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2            NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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