

HOUSE BILL No. 1100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-13.

Synopsis: Sale of bureau of motor vehicles information. Prohibits the bureau of motor vehicles (BMV) from selling the personal information of an individual who: (1) is less than 21 years of age; (2) is 65 years of age or older; or (3) opts out of the sale of the individual's personal information. Prohibits a person to which the BMV provides such information from selling or disclosing the information (sales prohibition). Requires the BMV to provide an easily understandable and easily accessible means by which an individual may opt out of the sale of the individual's personal information. Permits the state board of finance, upon approval by the governor, to transfer funds to the BMV to offset a shortfall in funding for the BMV that occurs in a state fiscal year beginning before July 1, 2026, as a result of the sales prohibition.

Effective: July 1, 2024.

Porter

January 8, 2024, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1100



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-14-13-7, AS ADDED BY P.L.198-2016,
2 SECTION 193, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: Sec. 7. **Subject to section 7.1 of this**
4 **chapter**, the bureau may disclose certain personal information that is
5 not highly restricted personal information if the person requesting the
6 information provides proof of identity and represents that the use of the
7 personal information will be strictly limited to at least one (1) of the
8 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;
15 (B) motor vehicle emissions;
16 (C) motor vehicle product alterations, recalls, or advisories;
17 (D) performance monitoring of motor vehicles, motor vehicle



- 1 parts, and dealers;
2 (E) motor vehicle market research activities, including survey
3 research;
4 (F) the removal of nonowner records from the original owner
5 records of motor vehicle manufacturers; and
6 (G) motor fuel theft under IC 24-4.6-5.
7 (3) For use in the normal course of business by a business or its
8 agents, employees, or contractors, but only:
9 (A) to verify the accuracy of personal information submitted
10 by an individual to the business or its agents, employees, or
11 contractors; and
12 (B) if information submitted to a business is not correct or is
13 no longer correct, to obtain the correct information only for
14 purposes of preventing fraud by pursuing legal remedies
15 against, or recovering on a debt or security interest against, the
16 individual.
17 (4) For use in connection with a civil, a criminal, an
18 administrative, or an arbitration proceeding in a court or
19 government agency or before a self-regulatory body, including the
20 service of process, investigation in anticipation of litigation, and
21 the execution or enforcement of judgments and orders, or under
22 an order of a court.
23 (5) For use in research activities, and for use in producing
24 statistical reports, as long as the personal information is not
25 published, redisclosed, or used to contact the individuals who are
26 the subject of the personal information.
27 (6) For use by an insurer, an insurance support organization, or a
28 self-insured entity, or the agents, employees, or contractors of an
29 insurer, an insurance support organization, or a self-insured entity
30 in connection with claims investigation activities, anti-fraud
31 activities, rating, or underwriting.
32 (7) For use in providing notice to the owners of towed or
33 impounded vehicles.
34 (8) For use by a licensed private investigative agency or licensed
35 security service for a purpose allowed under this section.
36 (9) For use by an employer or its agent or insurer to obtain or
37 verify information relating to a holder of a commercial driver's
38 license that is required under the Commercial Motor Vehicle
39 Safety Act of 1986 (49 U.S.C. 31131 et seq.).
40 (10) For use in connection with the operation of private toll
41 transportation facilities.
42 (11) For any use in response to requests for individual motor



1 vehicle records when the bureau has obtained the written consent
2 of the person to whom the personal information pertains.

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

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

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

12 However, this section does not affect the use of anatomical gift
13 information on a person's driver's license or identification document
14 issued by the bureau, nor does this section affect the administration of
15 anatomical gift initiatives in Indiana.

16 SECTION 2. IC 9-14-13-7.1 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2024]: **Sec. 7.1. (a) The bureau may not sell the personal
19 information of an individual who:**

20 **(1) is less than twenty-one (21) years of age;**

21 **(2) is sixty-five (65) years of age or older; or**

22 **(3) opts out of the sale of the individual's personal
23 information.**

24 **(b) The bureau shall provide an:**

25 **(1) easily understandable; and**

26 **(2) easily accessible;**

27 **means by which an individual may opt out of the sale of the
28 individual's personal information for purposes of subsection (a).**

29 SECTION 3. IC 9-14-13-10, AS ADDED BY P.L.198-2016,
30 SECTION 193, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2024]: **Sec. 10. (a) An authorized recipient of
32 personal information under section 7 of this chapter may not sell,
33 resell, disclose, or redisclose personal information described in
34 section 7.1(a) of this chapter.**

35 **(a) (b) Except as provided in subsection (a),** an authorized
36 recipient of personal information, except a recipient under section
37 7(11) or 7(12) of this chapter, may resell or redisclose the information
38 for any use allowed under section 7 of this chapter, except for a use
39 under section 7(11) or 7(12) of this chapter.

40 **(b) (c) Except as provided in subsection (a),** an authorized
41 recipient of a record under section 7(11) of this chapter may resell or
42 redisclose personal information for any purpose.



1 ~~(c)~~ **(d) Except as provided in subsection (a)**, an authorized
 2 recipient of personal information under IC 9-14-12-8 and section 7(12)
 3 of this chapter may resell or redisclose the personal information for use
 4 only in accordance with section 7(12) of this chapter.

5 ~~(d)~~ **(e) Except for a recipient under section 7(11) of this chapter, a**
 6 recipient who resells or rediscloses personal information is required to
 7 maintain and make available for inspection to the bureau, upon request,
 8 for at least five (5) years, records concerning:

9 (1) each person that receives the information; and

10 (2) the permitted use for which the information was obtained.

11 **SECTION 4. [EFFECTIVE JULY 1, 2024] (a) As used in this**
 12 **SECTION, "bureau" refers to the bureau of motor vehicles**
 13 **created by IC 9-14-7-1.**

14 **(b) Upon approval by the governor, the state board of finance**
 15 **may transfer money among funds or otherwise transfer, assign, or**
 16 **reassign one (1) or more appropriations or parts of appropriations**
 17 **to the bureau for the purpose of offsetting a shortfall in funding for**
 18 **the bureau that occurs in a state fiscal year beginning before July**
 19 **1, 2026, as a result of the enactment of IC 9-14-13-7.1, as added by**
 20 **this act.**

21 **(c) This SECTION expires July 1, 2026.**

