

1.1 moves to amend H.F. No. 4, the second engrossment, as follows:

1.2 Page 10, delete section 2 and insert:

1.3 "Sec. Minnesota Statutes 2022, section 168.327, subdivision 6, is amended to read:

1.4 Subd. 6. **Review and audit of subscription services.** Each subscriber under subdivision
1.5 4 or 5a must annually engage an independent professional organization to audit its uses of
1.6 data and its information technology security procedures, including: (1) the methods and
1.7 practices employed in the processing and use of driver and vehicle services data; and (2)
1.8 compliance with the certification required under section 171.12, subdivision 7b, paragraph
1.9 (d). Within 30 days of the date of the audit report, each subscriber must submit each report
1.10 to the legislative auditor and the commissioner.

1.11 Sec. Minnesota Statutes 2022, section 171.12, subdivision 7, is amended to read:

1.12 Subd. 7. **Privacy of data.** (a) Data on individuals provided to obtain a driver's license
1.13 or Minnesota identification card shall be treated as provided by United States Code, title
1.14 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted
1.15 by that section. The commissioner shall disclose the data in bulk form upon request to an
1.16 authorized recipient under United States Code, title 18, section 2721. For any disclosure of
1.17 data on individuals related to a noncompliant driver's license or identification card, the
1.18 commissioner must require a certification pursuant to subdivision 7b, paragraph (d).

1.19 (b) An applicant for a driver's license or a Minnesota identification card may consent,
1.20 in writing, to the commissioner to disclose the applicant's personal information exempted
1.21 by United States Code, title 18, section 2721, to any person who makes a request for the
1.22 personal information. If the applicant so authorizes disclosures, the commissioner shall
1.23 implement the request and the information may be used.

2.1 (c) If authorized by an applicant for a driver's license or a Minnesota identification card,
 2.2 as indicated in paragraph (b), the applicant's personal information may be used, rented, or
 2.3 sold solely for bulk distribution by organizations for business purposes, including surveys,
 2.4 marketing, or solicitation.

2.5 (d) An applicant for a driver's license, instruction permit, or Minnesota identification
 2.6 card may request that the applicant's residence address be classified as "private data on
 2.7 individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the
 2.8 classification on receipt of a signed statement by the individual that the classification is
 2.9 required for the safety of the applicant or the applicant's family, if the statement also provides
 2.10 a valid, existing address where the applicant consents to receive service of process. The
 2.11 commissioner shall use the service for process mailing address in place of the residence
 2.12 address in all documents and notices pertaining to the driver's license, instruction permit,
 2.13 or Minnesota identification card. The residence address and any information provided in
 2.14 the classification request, other than the mailing address, are private data on individuals and
 2.15 may be provided to requesting law enforcement agencies, probation and parole agencies,
 2.16 and public authorities, as defined in section 518A.26, subdivision 18."

2.17 Page 10, line 30, strike "The" and insert "Subject to subdivision 11, the"

2.18 Page 11, lines 4 and 5, delete the new language

2.19 Page 11, line 10, after "not" insert "share or" and delete "information protected under
 2.20 subdivision 11" and insert "data on individuals who have applied for or been issued a
 2.21 noncompliant driver's license or identification card"

2.22 Page 11, lines 28 and 33, delete "person" and insert "data requester"

2.23 Page 11, line 30, delete "person requesting the" and after "data" insert "requester" and
 2.24 delete "person" and insert "data requester"

2.25 Page 11, line 31, after "immigration" insert "enforcement" and before "government"
 2.26 insert "state or federal"

2.27 Page 11, lines 32 and 33, delete "agency or"

2.28 Page 12, line 1, delete "and" and insert a comma

2.29 Page 12, line 2, after "13.09" insert ", may have subsequent requests for noncompliant
 2.30 driver's license or identification card data be denied by the commissioner, and may lose
 2.31 access to the driver records subscription service under section 168.327"

2.32 Page 12, line 6, delete the new language and insert "Subject to"

3.1 Page 12, delete section 6 and insert:

3.2 "Sec. Minnesota Statutes 2022, section 171.12, is amended by adding a subdivision to
3.3 read:

3.4 **Subd. 11. Certain data on noncompliant license or identification card; department**
3.5 **and agents.** (a) For purposes of this section, "immigration status data" means data on
3.6 individuals who have applied for or been issued a noncompliant driver's license or
3.7 identification card and that indicate or otherwise have the effect of identifying (1) whether
3.8 or not the individual has demonstrated United States citizenship, or (2) whether or not the
3.9 individual has demonstrated lawful presence in the United States. Immigration status data
3.10 includes, but is not limited to, any documents specified under section 171.06, subdivision
3.11 9, 10, or 11, immigration status data contained in those documents, or the applicant's
3.12 submission of the documents.

3.13 (b) Immigration status data is classified as private data on individuals, as defined in
3.14 section 13.02, subdivision 12. Notwithstanding any law to the contrary, the commissioner
3.15 or a driver's license agent must not share or disseminate immigration status data except to
3.16 or within the division of the department that administers driver licensing and to the secretary
3.17 of state for purposes of improving the accuracy of voter registration records under subdivision
3.18 7a.

3.19 (c) As authorized or required by state or federal law, the commissioner or a driver's
3.20 license agent may share or disseminate data on individuals who have applied for or been
3.21 issued a noncompliant driver's license or identification card that is not immigration status
3.22 data to a government entity, as defined in section 13.02, subdivision 7a, or to a federal
3.23 government entity that does not enforce immigration law, provided that the receiving entity
3.24 must not use the data for civil immigration enforcement purposes or further disclose the
3.25 data to a state or federal government entity that primarily enforces immigration law or to
3.26 any employee or agent of any such government entity.

3.27 (d) Notwithstanding any law to the contrary, the commissioner or a driver's license agent
3.28 must not share or disseminate any data on individuals who have applied for or been issued
3.29 a noncompliant driver's license or identification card to any federal government entity that
3.30 primarily enforces immigration law, except pursuant to a valid search warrant or court order
3.31 issued by a state or federal judge.

3.32 (e) Violation of this subdivision by the commissioner, a driver's license agent, a
3.33 government entity, or an employee or agent thereof constitutes a violation of the Minnesota

- 4.1 Government Data Practices Act and may be subject to penalties and remedies applicable
- 4.2 under that chapter."
- 4.3 Renumber the sections in sequence and correct the internal references
- 4.4 Amend the title accordingly