

By: Representatives Turner, Arnold, Ford
(73rd), Boyd, Stamps, Brown (20th)

To: Banking and Financial
Services

HOUSE BILL NO. 1376

1 AN ACT TO CREATE THE MISSISSIPPI CONSUMER PRIVACY ACT; TO
 2 PROVIDE THAT ANY RECORDS THAT INCLUDE THE ADDRESS, DATE OF BIRTH
 3 OR SOCIAL SECURITY NUMBER OF ANY LICENSEE AND ARE HELD BY A STATE
 4 AGENCY THAT LICENSES PROFESSIONS OR OCCUPATIONS SHALL NOT BE
 5 DEEMED PUBLIC RECORDS, UNLESS THAT LICENSEE HAS CONSENTED TO THE
 6 RELEASE OF SUCH INFORMATION; TO PROVIDE LIMITED SITUATIONS WHEN
 7 PERSONAL INFORMATION OBTAINED BY THE DEPARTMENT OF REVENUE IN
 8 CONNECTION WITH A MOTOR VEHICLE RECORD MAY BE DISCLOSED TO ANY
 9 REQUESTOR BY THE DEPARTMENT; TO PROVIDE PENALTIES FOR THE IMPROPER
 10 USE OF PERSONAL INFORMATION; TO PROVIDE THAT WHENEVER THE
 11 DEPARTMENT OF REVENUE PROVIDES A REQUESTOR ACCESS TO PERSONALLY
 12 IDENTIFIABLE INFORMATION IN BULK UNDER A CONTRACT, THE CONTRACT
 13 SHALL REQUIRE CERTAIN INFORMATION; TO PROVIDE THAT ANY RECORDS
 14 HELD BY THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS THAT
 15 INCLUDE THE ADDRESSES, DATES OF BIRTH OR SOCIAL SECURITY NUMBERS
 16 OF ANY PERSON WHO HAS DONE BUSINESS WITH THE DEPARTMENT SHALL NOT
 17 BE PUBLIC RECORDS; TO BRING FORWARD SECTION 49-7-4, MISSISSIPPI
 18 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR
 19 RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** The provisions of this act shall be known and may
 22 be cited as the "Mississippi Consumer Privacy Act".

23 **SECTION 2.** The following shall be codified as Section
 24 25-61-11.3, Mississippi Code of 1972:

25 25-61-11.3. (1) Any records that include the address, date
 26 of birth or social security number of any licensee and are held by



27 a state agency that licenses professions or occupations shall not
28 be deemed public records as provided in Section 25-61-3, unless
29 that licensee has consented to the release of such information.

30 (2) The provisions of this section shall not prohibit the
31 agency from posting information on an internet site that the
32 agency deems necessary to inform consumers of disciplinary
33 proceedings filed against the licensee.

34 **SECTION 3.** The following shall be codified as Section
35 25-61-11.4, Mississippi Code of 1972:

36 25-61-11.4. (1) Except as otherwise provided in this
37 section, the Department of Revenue ("department") shall not
38 disclose to any person, firm, corporation, association or other
39 enterprise any personally identifiable information obtained in
40 connection with a motor vehicle. The department may adopt any
41 rules and regulations as necessary to effectuate the purposes of
42 this section.

43 (2) Personal information obtained by the department in
44 connection with a motor vehicle record may be disclosed to any
45 requestor by the department if the requestor:

46 (a) Provides the requestor's name and address and any
47 proof of that information required by the agency; and

48 (b) Represents that the use of the personal information
49 will be strictly limited to use:

50 (i) By a government agency, including any court or
51 law enforcement agency, in carrying out its functions; or



52 (ii) By a private person or entity acting on
53 behalf of a government agency in carrying out the functions of the
54 agency; or

55 (iii) In connection with:

56 1. Motor vehicle or motor vehicle operator
57 safety;

58 2. Motor vehicle theft;

59 3. Motor vehicle product alterations, recalls
60 or advisories;

61 4. Performance monitoring of motor vehicles,
62 motor vehicle parts or motor vehicle dealers;

63 5. Motor vehicle market research activities,
64 including survey research; or

65 6. Removal of nonowner records from the
66 original owner records of motor vehicle manufacturers;

67 (iv) In the normal course of business by a
68 legitimate business or an authorized agent of the business, but
69 only to verify the accuracy of personal information submitted by
70 the individual to the business or the agent of the business, and
71 if the information is not correct, to obtain the correct
72 information, for the sole purpose of preventing fraud by, pursuing
73 a legal remedy against, or recovering on a debt or security
74 interest against the individual;

75 (v) In conjunction with a civil, criminal,
76 administrative or arbitral proceeding in any court or government



77 agency or before any self-regulatory body, including service of
78 process, investigation in anticipation of litigation, execution or
79 enforcement of a judgment or order, or under an order of any
80 court;

81 (vi) In research or in producing statistical
82 reports, but only if the personal information is not published,
83 disclosed to another person or entity or used to contact any
84 individual;

85 (vii) By an insurer, or insurance support
86 organization, or by a self-insured entity, or an authorized agent
87 of an insurer, insurance support organization, or self-insured
88 entity, in connection with claims processing or investigation
89 activities, anti-fraud activities, rating or underwriting;

90 (viii) In providing notice to an owner of a
91 vehicle that was towed or impounded and is in the possession of a
92 vehicle storage facility;

93 (ix) By an employer or an agent or insurer of the
94 employer to obtain or verify information relating to a holder of a
95 commercial driver's license that is required under 49 USC Chapter
96 313;

97 (x) By a consumer reporting agency, as defined by
98 the Fair Credit Reporting Act (15 USC Section 1681 et seq.), for a
99 purpose permitted under that act;

100 (xi) By a motor vehicle manufacturer, dealership,
101 or distributor, or an agent of or provider of services to a motor



102 vehicle manufacturer, dealership, or distributor, for motor
103 vehicle market research activities, including survey research;

104 (xii) In the ordinary course of business by a
105 person or authorized agent of a person who holds a license from
106 the Mississippi Motor Vehicle Commission, or is licensed by the
107 Department of Consumer Finance, the Board of Governors of the
108 Federal Reserve System, the Office of the Comptroller of the
109 Currency, the Federal Deposit Insurance Corporation, the Consumer
110 Financial Protection Bureau, or the National Credit Union
111 Administration.

112 (3) Any requestor who misrepresents his or her purpose for
113 seeking motor vehicle information, or who has violated any
114 provision of this section, or any rules of the department
115 promulgated to carry out the provisions of this section, shall be
116 guilty of a felony and upon conviction, shall be sentenced to the
117 custody of the Department of Corrections for not more than five
118 (5) years. Any corporation, association, firm or other entity
119 that has violated the provisions of this section shall be fined in
120 an amount not to exceed One Hundred Thousand Dollars (\$100,000.00)
121 for each violation.

122 (4) Whenever the department provides a requestor access to
123 personally identifiable information in bulk under a contract, the
124 contract shall require:

125 (a) That the requestor post a performance bond in an
126 amount of not more than One Million Dollars (\$1,000,000.00);



127 (b) A prohibition on the sale or redistribution of the
128 personal information for the purpose of marketing extended vehicle
129 warranties by telephone;

130 (c) That the requestor provide proof of general
131 liability and cyber-threat insurance coverage in an amount
132 specified by the contracting agency that is at least Three Million
133 Dollars (\$3,000,000.00) and reasonably related to the risks
134 associated with unauthorized access and use of the records;

135 (d) That if a requestor experiences a breach of system
136 security that includes data obtained under authority of this
137 section, the requestor shall notify the department of the breach
138 not later than forty-eight (48) hours after the discovery of the
139 breach;

140 (e) That the requestor include in each contract with a
141 third party that receives the personal information from the
142 requestor that the third party must comply with federal and state
143 laws regarding the records;

144 (f) That the requestor and any third party receiving
145 the personal information from the requestor protect the personal
146 information with appropriate and accepted industry standard
147 security measures for the type of information and the known risks
148 from unauthorized access and use of the information; and

149 (g) That the requestor annually provides to the agency
150 a report of all third parties to which the personal information



151 was disclosed under this section and the purpose of the
152 disclosure.

153 (5) The bond and insurance requirements of this section
154 shall not apply to a government agency, including a court of law
155 or law enforcement agency.

156 (6) An agency that discloses any motor vehicle records in
157 bulk shall include in the records at least two (2) records that
158 are created solely for the purpose of monitoring compliance with
159 this chapter and detecting, by receipt of certain forms of
160 communications or actions directed at the subjects of the created
161 records, potential violations of this chapter or contract terms
162 required by this section.

163 (7) An agency that discloses motor vehicle records shall
164 designate an employee to be responsible for:

165 (a) Monitoring compliance with this chapter and
166 contract terms required by this section;

167 (b) Referring potential violations of this chapter to
168 law enforcement agencies; and

169 (c) Making recommendations to the administrative head
170 of the agency or his or her designee on the eligibility of a
171 person under this section to receive personal information.

172 (8) This section does not affect any rights or remedies
173 available under a contract or any other law. If an agency
174 determines that a person has violated the terms of a contract with



175 the agency that authorized the disclosure of personal information
176 in connection with a motor vehicle record, the agency may:

177 (a) Cease disclosing personal information to that
178 person; and

179 (b) Allow the person to remedy the violation and
180 continue receiving personal information.

181 (9) Nothing in this section shall be construed to prohibit
182 the Department of Revenue from providing information to a private
183 firm for the management and upkeep of a tax lien registry.

184 **SECTION 4.** The following shall be codified as Section
185 25-61-11.5, Mississippi Code of 1972:

186 25-61-11.5. In addition to the records of licensees exempted
187 from the Public Records Act of 1983 by Section 49-7-4, any records
188 held by the Department of Wildlife, Fisheries and Parks that
189 include the addresses, dates of birth or social security numbers
190 of any person who has done business with the department shall not
191 be public records as defined by Section 25-61-3.

192 **SECTION 5.** Section 49-7-4, Mississippi Code of 1972, is
193 brought forward as follows:

194 49-7-4. The records of the Department of Wildlife, Fisheries
195 and Parks relating to applications for and sales of any resident
196 or nonresident licenses issued under this chapter, and all records
197 related to holders of such licenses, are exempt from the
198 provisions of the Mississippi Public Records Act of 1983, in
199 accordance with Section 25-61-11, and shall be released only upon



200 order of a court having proper jurisdiction over a petition for
201 release of the record or records. However, upon request, the
202 records specified in this section shall be available to all law
203 enforcement agencies.

204 **SECTION 6.** This act shall take effect and be in force from
205 and after July 1, 2022.

